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Vol. III.

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# A Collection of Statutes Relating to India

Vol. III.

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*From 1913 up to the end of 1925.*

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## PREFACE.

THE first two volumes of this publication were issued during the years 1912 and 1913 and included all the Statutes affecting India down to the end of the year 1912. Since their publication several such Statutes have been passed by Parliament but it is not at present considered necessary to issue a revised edition of the entire publication. A supplementary or third volume prepared on the same lines as the two earlier volumes is therefore being issued now. It includes all such Statutes passed from 1913 to the end of 1925.

A short index is attached to the end of this volume

S C. GUPTA,

*Addl Jt Secy to the Govt of India,  
Legislative Department*

SIMLA,

*The 23rd April, 1926.*



# CHRONOLOGICAL TABLE OF THE STATUTES RELATING TO INDIA.

VOLUME III (FROM 1913 TO 1925)

Year	Regnal No. and Chapter.	Short title or Subject	How repealed or other- wise affected.	REMARKS
1913	3 Geo 5, c 2	The Army (Annual) Act, 1913	.	See p. 1
"	3 & 4 Geo 5, c 11	The Post Office Act, 1913	.	See p. 5
"	3 & 4 Geo 5, c 16.	The Foreign Jurisdiction Act, 1913	.	See p. 6
"	3 & 4 Geo. 5, c 21.	The Appellate Jurisdiction Act, 1913	.	See p. 7
1914	4 Geo 5, c 2	The Army (Annual) Act, 1914	.	See p. 9
"	4 & 5 Geo 5, c 12	The Aliens Restriction Act, 1914	Am. 9 & 10 Geo. 5, c 92	See p. 12
"	4 & 5 Geo 5, c 13	The Prize Courts (Procedure) Act, 1914	...	See p. 15
"	4 & 5 Geo 5, c 16.	The Trade Marks Act, 1914	....	See p. 16
"	4 & 5 Geo 5, c 17.	The British Nationality and Status of Aliens Act, 1914	Am 8 & 9 Geo 5, c 38 12 & 13 Geo 5, c 44	See p. 16
"	4 & 5 Geo 5, c 26	The Army (Supply of Food, Forage and Stores) Act, 1914	....	See p. 32
"	4 & 5 Geo 5, c 42	The Merchant Shipping (Certificates) Act, 1914	..	See p. 33
"	4 & 5 Geo 5, c 80	The Superannuation Act, 1914	....	See p. 34
"	4 & 5 Geo 5, c 89.	The Navy (Pledging of Certificates, etc.), Act, 1914	....	See p. 36

STATUTES RELATING TO INDIA—*contd.*

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1915	5 Geo. 5 c. 26.	The Army (Amend- ment) Act, 1915.		<i>See p. 38</i>
"	5 Geo. 5 c. 30.	The Naval Disci- pline Act, 1915.	S. 11 am. 7 & 8 Geo. 5 c. 34, s. 1. Rep. in part, 12 & 13 Geo. 5 c. 37	<i>See p. 39</i>
"	5 & 6 Geo. 5 c. 38.	The Copyright (British Museum) Act, 1915		<i>See p. 44</i>
"	5 & 6 Geo. 5 c. 39	The Fugitive Offen- ders (Protected States) Act, 1915.		<i>See p. 45</i>
"	5 & 6 Geo. 5 c. 40	The Marriage of British Subjects (Facilities) Act, 1915.	Supplemented, 5 & 7 Geo. 5 c. 21	<i>See p. 46</i>
"	5 & 6 Geo. 5 c. 57	The Prize Courts Act, 1915	S. 1 extended, 6 Geo. 5 c. 2.	<i>See p. 47</i>
"	5 & 6 Geo. 5 c. 58.	The Army (Amend- ment), No. 2 Act, 1915.	S. 7 virt. rep. 6 Geo. 5, c. 5, n. 4.	<i>See p. 49</i>
"	5 & 6 Geo. 5 c. 61 (as amended by subse- quent Sta- tutes.)	The Government of India Act.	Am. 6 & 7 Geo. 5 c. 37 Am. 9 & 10 Geo. 5 c. 101 Am. 12 & 13 Geo. 5 c. 20. Am. 14 & 15 Geo. 5 c. 28 Am. 15 & 16 Geo. 5 c. 83	<i>See p. 54</i>
"	5 & 6 Geo. 5 c. 73.	The Naval Disci- pline (No. 2) Act, 1915.	Rep. in part, 12 & 13 Geo. 5, c. 37	<i>See p. 142</i>
"	5 & 6 Geo. 5 c. 82.	The Judicial Com- mittee Act 1915.		<i>See p. 145</i>
1916	6 Geo. 5 c. 2	The Naval Prize (Procedure) Act 1916.		<i>See p. 143</i>
"	6 Geo. 5 c. 5.	The Army (An- nual) Act 1916.		<i>See p. 146</i>

*Chronological Table.*

STATUTES RELATING TO INDIA—*contd.*

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„	6 & 7 Geo 5, c 21	The Marriage of British Subjects (Facilities) Amendment Act, 1916		See p 150
„	6 & 7 Geo 5, c 37	The Government of India (Amendment) Act, 1916		See p 151
„	6 & 7 Geo 5, c 41	The Merchant Shipping (Salvage) Act, 1916		See p 159
1917	7 Geo 5, c 9	The Army (Annual) Act, 1917	S 5(1) am 9 & 10 Geo 5, c 11, s 14.	See p 160
„	7 & 8 Geo 5, c 34	The Naval Discipline Act, 1917	S 2, rep 12 & 13 Geo 5, c 37	See p 163
„	7 & 8 Geo 5, c 51	The Air Force (Constitution) Act, 1917	S 5 (2) virt rep 8 Geo 5, c 5, Rep in pt 12 & 13 Geo 5, c 37 & 10 Geo 5, c 7	See p 165
		The Air Force Act (An Act to provide for the discipline and regulation of the Air Force)	Am Air Force Act (Statutory Amendments) Orders, 1918 & 1919 Am 10 Geo 5, c 7 Am 14 Geo 5, c 5 Am 15 Geo 5, c 25	See p 191
1918	8 Geo 5, c 6	The Army (Annual) Act, 1918.	S 10 virt rep 10 Geo 5, c 7	See p 328
„	8 & 9 Geo 5, c 38	The British Nationality and Status of Aliens Act, 1918	S 2(1) in pt vir rep 12 & 13 Geo 5, c 42	See p 334
„	8 & 9 Geo 5, c 59	The Termination of the Present War (Definition) Act, 1918		See p 339

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"	9 & 10 Geo. 5 c. 33.	The Treaty of Peace Act, 1919.		See p. 349
"	9 & 10 Geo. 5, c. 38.	The Merchant Shipping (Wire- less Telegraphy) Act, 1919.		See p. 350
"	9 & 10 Geo. 5, c. 62.	The British Mer- chant Marine Uniform Act, 1919		See p. 352
"	9 & 10 Geo. 5, c. 79.	The Trade Marks Act, 1919.		See p. 353
"	9 & 10 Geo. 5, c. 92.	The Aliens Rest- raintion (Amend- ment) Act, 1919.		See p. 351
"	9 & 10 Geo. 5, c. 101	The Government of India Act, 1919.		See p. 370
1920	10 Geo. 5, c. 6.	The Treaties of Peace (Austria and Bulgaria) Act, 1920.		See p. 415
"	10 Geo. 5 c. 7	The Army and Air Force (Annual) Act, 1920.	S. 22 virt. rep. 11 & 12 Geo. 5 c. 9.	See p. 416
"	10 & 11 Geo. 5 c. 29	The Overseas Trade (Credits and In- surance) Act, 1920.	Extended 11 & 12 Geo. 5 c. 26. Am. & Rep. in pt. 11 & 12 Geo. 5 c. 65. Am. 13 Geo. 5 c. 4 (section 2)	See p. 430
"	10 & 11 Geo. 5 c. 33.	The Maintenance Orders (Facilities for Enforcement) Act 1920.		See p. 432
	10 & 11 Geo. 5 c. 48.	The Indemnity Act, 1920.		See p. 437
1921	11 Geo. 5 c. 9	The Army and Air Force (Annual) Act, 1921	S. 9 (1) am. 13 & 14 Geo. 5, c. 3 & 14(1).	See p. 441

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Year	Regnal No and Chapter	Short title or Subject	How repealed or other- wise affected.	REMARKS.
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"	11 & 12 Geo. 5, c 16	The Importation of Plumage (Pro- hibition) Act, 1921	....	See p. 451
"	11 & 12 Geo 5, c 18	The Indian Di- vorces (Validity) Act, 1921	....	See p. 453
"	11 & 12 Geo 5, c 24	The Deceased Brother's Widow's Marriage Act, 1921	...	See p. 454
"	11 & 12 Geo 5, c. 26.	The Overseas Trade (Credits and Insurance) Amendment Act, 1921	S 2 rep. in pt 11 & 12 Geo 5, c 65 Extended, 13 Geo. 5, c 4 (Session 2). Rep. in pt 14 & 15 Geo 5, c 8.	See p. 455
"	11 & 12 Geo 5, c 28	The Merchant Ship- ping Act, 1921	...	See p. 456
"	11 & 12 Geo 5, c 37.	The Territorial Army and Mil- itia Act, 1921	..	See p. 457
"	11 & 12 Geo. 5, c. 65	The Trade Facili- ties Act, 1921	Supplemented & Am. 13 Geo 5, c. 4 (Ses- sion 2) Rep. in pt 14 & 15 Geo 5, c 8 Am 15 Geo. 5, c 13	See p. 466
1922	12 Geo 5, c 6	The Army and Air Force (Annual) Act, 1922	..	See p. 469
"	12 Geo 5, c 9	The East India Loans (Railways and Irrigation) Act, 1922	..	See p. 474
"	12 & 13 Geo 5, c 13	The Empire Settle- ment Act, 1922	..	See p. 476
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*Chronological Table*

## STATUTES RELATING TO INDIA—contd.

Year	Regnal No. and Chapter	Short title or Subject	How repealed or other wise affected	REMARKS
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"	12 & 13 Geo. 5 c. 44.	The British Nationality and Status of Aliens Act, 1922.		See p. 483
"	13 Geo. 5 c. 4.	The Trade Facilities and Loans Guarantee Act, 1922 (Session 2).	Virt. am. 15 Geo. 5 c. 13. Am. 14 & 15 Geo. 5 c. 8, s. 4.	See p. 485
1923	13 Geo. 5 c. 3.	The Army and Air Force (Annual) Act, 1923.		See p. 489
"	13 Geo. 5 c. 4.	The Fees (Increase) Act, 1923.		See p. 497
"	13 & 14 Geo. 5, c. 19	The Matrimonial Causes Act, 1923.		See p. 503
"	13 & 14 Geo. 5, c. 31	The East India Loans Act, 1923.		See p. 506
"	13 & 14 Geo. 5, c. 40.	The Merchant Shipping Acts (Amendment) Act 1923.		See p. 509
1924	14 Geo. 5 c. 5.	The Army and Air Force (Annual) Act, 1924		See p. 509
"	14 Geo. 5 c. 7	The Treaty of Peace (Turkey) Act, 1924		See p. 514
"	14 & 15 Geo. 5, c. 8.	The Trade Facilities Act 1924	Virt. am. 15 Geo. 5 c. 13.	See p. 516
"	14 & 15 Geo. 5 c. 18.	The Auxiliary Air Force and Air Force Reserve Act 1924		See p. 518
"	14 & 15 Geo. 5 c. 22.	The Carriage of Goods by Sea Act, 1924		See p. 522

STATUTES RELATING TO INDIA—*concld*

Year	Regnal No and Chapter	Short title or Subject	How repealed or other- wise affected	REMARKS
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„	15 Geo 5, c 1	The Expiring Laws Continuance Act, 1924.	.	<i>See p 532</i>
1925	15 Geo 5, c 13	The Trade Facili- ties Act, 1925	.	<i>See p 534</i>
„	15 Geo 5, c 25	The Army and Air Force (Annual) Act, 1925	.	<i>See p 534</i>
„	15 & 16 Geo 5, c 37	The Merchant Ship- ping (Equivalent Provisions) Act, 1925	.	<i>See p 547</i>
„	15 & 16 Geo 5, c 76	The Expiring Laws Act, 1925	.	<i>See p 549</i>
„	15 & 16 Geo 5, c 83	The Government of India (Civil Services) Act, 1925	.	<i>See p 551</i>
„	15 & 16 Geo 5, c 84	The Workmen's Compensation Act, 1925	.	<i>See p 553</i>

STATUTES RELATING TO INDIA—*contd.*

Year	Regnal No. and Chapter	Short title or Subject	How repealed or other wise affected.	REMARKS.
1922	12 & 13 Geo. 5 c. 37	The Naval Disci- pline Act, 1922.		See p. 478
	12 & 13 Geo. 5 c. 44	The British Na- tionality and Sta- tus of Aliens Act, 1922.		See p. 483
	13 Geo. 5 c. 4.	The Trade Facili- ties and Loans Guarantee Act, 1922 (Session 2).	Virt. am. 15 Geo. 5 c. 13. Am. 14 & 15 Geo. 5 c. 8 n. 4.	See p. 485
1923	13 Geo. 5 c. 3.	The Army and Air Force (Annual) Act, 1923.		See p. 489
"	13 Geo. 5 c. 4.	The Fees (Increase) Act, 1923		See p. 497
"	13 & 14 Geo. 5 c. 19	The Matrimonial Causes Act, 1923.		See p. 503
"	13 & 14 Geo. 5 c. 31	The East India Loans Act, 1923.		See p. 506
	13 & 14 Geo. 5 c. 40.	The Merchant Shipping Acts (Amendment) Act, 1923.		See p. 509
1924	14 Geo. 5 c. 5	The Army and Air Force (Annual) Act 1924		See p. 509
"	14 Geo. 5 c. 7	The Treaty of Peace (Turkey) Act, 1924.		See p. 514
"	14 & 15 Geo. 5 c. 8.	The Trade Facili- ties Act, 1924	Virt. am. 15 Geo. 5 c. 13.	See p. 516
"	14 & 15 Geo. 5 c. 15.	The Auxiliary Air Force and Air Force Reserve Act, 1924		See p. 518
"	14 & 15 Geo. 5 c. 22.	The Carriage of Goods by Sea Act, 1924		See p. 522

STATUTES RELATING TO INDIA—*concl'd.*

Year.	Regnal No and Chapter	Short title or Subject	How repealed or other- wise affected	REMARKS
1924	14 & 15 Geo 5, c 28	The Government of India (Leave of Absence) Act, 1924		See p 53
„	15 Geo 5, c 1	The Expiring Laws Continuance Act, 1924		See p 532
1925	15 Geo 5, c 13	The Trade Facili- ties Act, 1925		See p 534
„	15 Geo 5, c 25	The Army and Air Force (Annual) Act, 1925		See p 534
„	15 & 16 Geo 5, c 37	The Merchant Ship- ping (Equivalent Provisions) Act, 1925	.	See p 547
„	15 & 16 Geo 5, c 76	The Expiring Laws Act, 1925		See p 549
„	15 & 16 Geo 5, c 83	The Government of India (Civil Services) Act, 1925	.	See p 551
„	15 & 16 Geo 5, c 84	The Workmen's Compensation Act, 1925	.	See p 553



# A COLLECTION STATUTES RELATING TO INDIA.

## Volume III.

AN ACT TO AMEND THE ARMY ACT,

3 Geo. 5, c. 23

### MILITARY MIGRATION

Section 1

1. Insertion
2. Army Act to be extended to India
3. Protection of officials

Amendments to the Army Act.

4. Amendment of section 115 of the Army Act
5. Insertion of section 115A of the Army Act to consist
6. Amendment of section 115 of the Army Act
7. Amendment of section 161 of the Army Act

### SUMMARY

*An Act to provide, during twelve months, for the Discipline and Regulation of the Army*

[25th April, 1913.]

Whereas there is the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, in against law;

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and eighty-five thousand six hundred including those to be employed at the depots in the United Kingdom of Great Britain and

Ireland for the training of recruits for service at home and abroad but exclusive of the numbers actually serving within His Majesty's Indian possessions.

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid.

And whereas the said marine forces may frequently be quartered or be on shore or sent to do duty or be on board transport ships or vessels merchant ships or vessels or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the Government of His Majesty's forces by sea.

And whereas no man can be condemned of life or limb or subjected in time of peace to any kind of punishment within this realm by martial law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm yet nevertheless it being requisite for the retaining all the before-mentioned forces and other persons subject to military law in their duty that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition or desert His Majesty's service or are guilty of crimes and offences to the prejudice of good order and military discipline be brought to a more exemplary and speedy punishment than the usual forms of the law will allow.

And whereas the Army Act<sup>1</sup> will expire in the year one thousand nine hundred and thirteen on the following days —

- (a) In the United Kingdom the Channel Islands and the Isle of Man on the thirtieth day of April and
- (b) Elsewhere whether within or without His Majesty's dominions, on the thirty first day of July,

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

1. This Act may be cited as the Army (Annual) Act 1913.

2. (1) The Army Act<sup>1</sup> shall be and remain in force during the periods hereinafter mentioned and no longer unless otherwise provided by Parliament (that is to say) —

- (a) Within the United Kingdom the Channel Islands and the Isle of Man from the thirtieth day of April one thousand

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<sup>1</sup> See Vol. I of this publication.

nine hundred and thirteen to the thirtieth day of April one thousand nine hundred and fourteen, both inclusive, and

(b) Elsewhere whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and thirteen to the thirty-first day of July one thousand nine hundred and fourteen, both inclusive.

(2) The Army Act,<sup>1</sup> while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions

(3) A person subject to military law shall not be exempted from the provisions of the Army Act<sup>1</sup> by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned

3. There shall be paid to the keeper of a victualling house for the prices in accommodation provided by him in pursuance of the Army Act the prices respect of billeting, specified in the First Schedule to this Act

#### AMENDMENTS OF THE ARMY ACT<sup>1</sup>

4. The officers who may be authorised to issue a billeting requisition under section one hundred and eight A of the Army Act<sup>1</sup> shall include general or field officers commanding any part of His Majesty's forces in any military district or place in the United Kingdom, and accordingly in sub-section (1) of that section, for the words "any general or field officer commanding His Majesty's regular forces," there shall be substituted the words "any general or field officer commanding any part of His Majesty's forces"

5. The power of requisitioning carriages, horses, and vessels in case of emergency conferred by the Army Act<sup>1</sup> shall extend so as to include a power of requisitioning aircraft of all descriptions, and accordingly at the end of sub-section (2) of section one hundred and fifteen of the Army Act there shall be inserted the words "and also of aircraft of every description", and the consequential amendments specified in the second column of the Second Schedule to this Act shall be made in the enactments mentioned in the first column of that Schedule

6. In section one hundred and forty-five of the Army Act<sup>1</sup> (which relates to the liability of a soldier to maintain his wife and children) after the words "order a portion" there shall be inserted the words "not exceeding in respect of a wife and children one shilling and sixpence, and in respect of a bastard child one shilling, of the daily pay of a warrant officer not holding an honorary commission"

7. In section one hundred and sixty-four of the Army Act<sup>1</sup> (which relates to the evidence of civil convictions and acquittals) after the word

<sup>1</sup> See Vol I of this publication

" judgment " there shall be inserted the words " or order ", for the words " if he was convicted and the acquittal if he was acquitted " there shall be substituted the words " or if he was acquitted the acquittal ", and after the word sentence there shall be inserted the words " or of the order of the Court "

## SCHEDULES

### FIRST SCHEDULE

(*Section 3*)

Accommodation to be provided.	Maximum price.
Lodging and attendance for soldier where meals furnished.	Sixpence per night.
Breakfast as specified in Part I of the Second Schedule to the Army Act.	Fivepence each.
Dinner as so specified	One shilling and one penny each.
Supper as so specified	Threepence each.
Where no meals furnished, lodging and attendance, and candles vinegar salt, and the use of fire, and the necessary utensils for dressing and eating his meal.	Sixpence per day
Stable room and ten pounds of oats, twelve pounds of hay and eight pounds of straw per day for each horse.	One shilling and ninepence per day
Stable room without forage	Sixpence per day
Lodging and attendance for officer	Two shillings per night.

## SECOND SCHEDULE.

## (Section 5 )

## AMENDMENTS CONSEQUENTIAL ON AMENDMENT TO SECTION 115

Provision of Army Act to be modified	Modification to be made
Section 31 (1), (4), (5), (7), (8).	<p>For the words "or vessels" wherever they occur there shall be substituted the words "vessels or aircraft"</p> <p>For the words "or vessel" wherever they occur there shall be substituted the words "vessel or aircraft."</p>
Section 115 (3), (4), (6), (7), (8), (9)	<p>For the words "and vessel" wherever they occur there shall be substituted the words "vessels and aircraft"</p> <p>For the words "vessels" where it secondly and thirdly occurs in subsection (3) there shall be substituted the words "vessels and aircraft"</p> <p>For the words "or vessel" wherever they occur there shall be substituted the words "vessel or aircraft"</p> <p>For the words "or vessels" there shall be substituted the words "vessels or aircraft"</p>
Sections 116, 117, 119 and 121	<p>For the words "or vessels" wherever they occur there shall be substituted the words "vessels or aircraft"</p> <p>For the words "or vessel" wherever they occur there shall be substituted the words "vessel or aircraft"</p>

## THE POST OFFICE ACT, 1913

## (3 &amp; 4 Geo. 5, c. 11.)

*An Act to enable Newspapers published in British Possessions or Protectorates to be registered and be treated as Registered Newspapers under the Post Office Act, 1908*

[15th August, 1913 ]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows —

1. The provisions of the Post Office Act, 1908,<sup>1</sup> relating to the Extension of registration of newspapers and registered newspapers shall apply to <sup>provisions as to regisra-</sup>

<sup>1</sup> See Vol II of this publication

publications printed and published in a British possession or protectorate as they apply to publications printed and published in the British Islands and accordingly paragraph (a) of sub-section (i) of section twenty of the Post Office Act 1908<sup>1</sup> (which relates to the publications which may be registered as a newspaper), shall be read as if the words 'or in some British possession or protectorate' were inserted after the words 'in the British Islands'

Provided that the Postmaster-General may refuse to register as a newspaper a publication printed and published in a British possession or protectorate, unless arrangements have been made to his satisfaction for maintaining a responsible representative of the publication in the United Kingdom

For the purposes of this provision the expression 'British Protectorate' shall be deemed to include the Malay States and Cyprus

**2** This Act may be cited as the Post Office Act 1913, and shall be read as one with the Post Office Act, 1908<sup>1</sup>

### THE FOREIGN JURISDICTION ACT, 1913

(3 & 4 Geo 5, c 16)

*An Act to amend the Foreign Jurisdiction Act 1890*

[15th August 1913]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

**1.** The Foreign Jurisdiction Act 1890<sup>1</sup> shall have effect as if to the enactments mentioned in the First Schedule to that Act (being enactments which may be applied by order in Council to foreign countries in which for the time being His Majesty has jurisdiction) there were added the enactments mentioned in the Schedule to this Act

**2.** This Act may be cited as the Foreign Jurisdiction Act 1913 and together with the Foreign Jurisdiction Act 1890<sup>1</sup> and this Act may be cited together as the Foreign Jurisdiction Act 1890 and 1913

<sup>1</sup> See Vol. II of this publication.

## SCHEDULE.

## ENACTMENTS WHICH MAY BE EXTENDED

Session and Chapter	Title	Enactments which may be extended by Order in Council.
32 and 33 Vict , c 10	The Colonial Prisoners Removal Act, 1869	The whole Act
55 and 56 Vict , c 6	The Colonial Probates Act, 1892 <sup>1</sup>	The whole Act.
57 and 58 Vict , c 30	The Finance Act, 1894 <sup>1</sup>	Section twenty
63 and 64 Vict , c 14	The Colonial Solicitors Act, 1900 <sup>1</sup>	The whole Act
8 Edw 7, c. 69	The Companies (Consolidation) Act, 1908 <sup>1</sup>	Sections thirty-four thirty-five and thirty-six

## THE APPELLATE JURISDICTION ACT, 1913

(3 &amp; 4 Geo. 5, c. 21.)

*An Act to make further provision with respect to the number and duties of lords of Appeal in Ordinary, and with respect to the constitution of the Court of Appeal and the Judicial Committee of the Privy Council*

[15th August, 1913]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. His Majesty may appoint two Lords of Appeal in Ordinary under Additional section six of the Appellate Jurisdiction Act, 1876, in addition to the Lords of Appeal four Lords of Appeal in Ordinary whom he may appoint under sections six and fourteen of that Act and the law relating to the appointment and qualifications of Lords of Appeal under the said section six, and to their duties and tenure of office, their rank, salary, and pension, and otherwise, shall apply to any Lord of Appeal appointed under this section. Provided that the sum paid in salaries in any one year to the Lords of Appeal in Ordinary appointed under this Act shall in no case exceed twelve thousand pounds.

2. Every Lord of Appeal in Ordinary, whether appointed before or after the passing of this Act, who at the date of his appointment would have been qualified to be appointed an ordinary judge of the Court of

Lords of Appeal

Appeal to be ex-officio judges of

<sup>1</sup> See Vol II of this publication

Court of Appeal.

Appeal or who at that date was a judge of that Court shall be an ex-officio judge of that Court, but no such Lord of Appeal shall be required to sit and act as judge of the Court of Appeal unless upon the request of the Lord Chancellor he consents so to do, and whilst so sitting and acting he shall rank therein according to his precedence as a peer

*Provisions as to colonial judges becoming members of the judicial committee.*

(1) The maximum number of persons (being or having been, judges in certain parts of His Majesty's dominions) who may become members of the Judicial Committee of the Privy Council by reason of the Judicial Committee Amendment Act 1895<sup>1</sup> as amended by any subsequent enactment shall be increased from five to seven and accordingly seven shall be substituted for five in sub-section (2) of section one of that Act

(2) Section one of the said Act shall have effect as if the persons named therein included any person being or having been Chief Justice or a Judge of the Supreme Court of South Africa

(3) His Majesty may by Order in Council regulate the order in which the persons qualified to become members of the Judicial Committee under the said Act as so amended are to become members thereof so as to secure as far as possible an equal distribution of such members amongst the various parts of His Majesty's dominions to which the Act so amended relates

(4) The enactments mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule and in the schedule to the Appellate Jurisdiction Act 1908<sup>1</sup> for the words "Cape of Good Hope Natal Transvaal Orange River Colony" there shall be substituted the words "the Union of South Africa"

*Short title.*

4. This Act may be cited as the Appellate Jurisdiction Act 1913

## SCHEDULE

### ENACTMENTS REPEALED

Session and Chapter.	Short title	Extent of Repeal
58 and 59 Vict. c. 44	The Judicial Committee Amendment Act 1893 <sup>1</sup>	In section one the words "or either of the South African Colonies mentioned in the said schedule In the schedule the word "South African Colonies Cape of Good Hope Natal."
8 Edw 7 c 51	The Appellate Jurisdiction Act 1908 <sup>1</sup>	Sub-section (2) of section three

<sup>1</sup> See Vol. II of this publication.

## THE ARMY (ANNUAL) ACT, 1914

(4 Geo. 5, c. 2.)

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ARRANGEMENT OF SECTIONS.

## SECTION

1. Short title.
- 2 Army Act to be in force for specified times
- 3 Prices in respect of billeting

## AMENDMENTS OF THE ARMY ACT

- 4 Amendment of section 115 of the Army Act relating to the impressment of carriage and horses
- 5 Amendment of section 145 of the Army Act
6. Amendment of section 179 (15) of the Army Act
- 7 Amendment of section 180 of the Army Act.

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SCHEDULE.

*An Act to provide, during twelve months, for the Discipline and Regulation of the Army*

[30th April, 1914]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law.

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and eighty-six thousand four hundred including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions.

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid.

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels merchant ships or vessels, or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the Government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb or subjected in time of peace to any kind of punishment within this realm, by martial law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm yet never theless it being requisite for the retaining all the before-mentioned forces and other persons subject to military law in their duty that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Army Act<sup>1</sup> will expire in the year one thousand nine <sup>44 & 45</sup>  
hundred and fourteen on the following days — <sup>Vict. c. 53</sup>

- (a) In the United Kingdom the Channel Islands and the Isle of Man on the thirtieth day of April, and
- (b) Elsewhere whether within or without His Majesty's dominions on the thirty first day of July

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

**1. This Act may be cited as the Army (Annual) Act 1914**

**2. (1) The Army Act<sup>1</sup> shall be and remain in force during the periods herein after mentioned and no longer unless otherwise provided by Parliament (that is to say) —**

- (a) Within the United Kingdom the Channel Islands and the Isle of Man from the thirtieth day of April one thousand nine hundred and fourteen to the thirtieth day of April one thousand nine hundred and fifteen both inclusive and
- (b) Elsewhere whether within or without His Majesty's dominions from the thirty first day of July one thousand nine hundred and fourteen to the thirty first day of July one thousand nine hundred and fifteen both inclusive

**(2) The Army Act<sup>1</sup> while in force shall apply to persons subject to military law whether within or without His Majesty's dominion**

(3) A person subject to military law shall not be exempted from the provisions of the Army Act<sup>1</sup> by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

3. There shall be paid to the keeper of a victualling house for the prices in respect of billeting provided by him in pursuance of the Army Act<sup>1</sup> the prices specified in the Schedule to this Act

#### AMENDMENTS OF THE ARMY ACT<sup>1</sup>

4. In section one hundred and fifteen of the Army Act,<sup>1</sup> which relates to the impressment of carriages and horses, the following sub-section shall be inserted after sub-section (3) —

(3A.) A requisition of emergency may authorise any officer mentioned therein to require any carriages and horses furnished in pursuance of this section to be delivered at such place (not being more than one hundred miles in the case of a motor car or other locomotive, and not being more than ten miles in the case of any other carriage or horse, from the premises of the owner) and at such time as may be specified by any officer mentioned in the requisition, and in such case it shall be the duty of a constable executing a warrant issued by a justice of the peace under this section upon the demand of an officer producing the requisition of emergency to insert in his order such time and place for delivery of any vehicle or horse to which the order relates as may be specified by such officer, and the obligation of owners to furnish carriages and horses shall include an obligation to deliver the carriages and horses at such place and time as may be specified in such order, and the provisions of this Act shall have effect as if references therein to the furnishing of carriages and horses included, as respects any such carriage or horse as aforesaid, delivery at such time and place as aforesaid

5. In paragraph (b) of sub-section (2) of section one hundred and forty-five of the Army Act<sup>1</sup> which relates to the liability of a soldier of the regular forces to have deductions made from his pay on account of his wife or any of his legitimate children under fourteen years of age whom he has deserted or left in destitute circumstances without reasonable cause, for the words "under fourteen years of age" there shall be substituted the words "under sixteen years of age"

6. In paragraph (15) of section one hundred and seventy-nine of the Army Act,<sup>1</sup> which relates to the application of naval discipline to the Royal Marines, for the words "otherwise than for service on shore" there shall be substituted the words "unless made subject to military law as hereinafter provided".

*The Army (Annual) Act 1914 [4 Geo 5, c 2  
The Aliens Restriction Act 1914 [4 & 5 Geo 5, c 12]*

Amendment  
of section  
160 of the  
Army Act

7 In sub-section (2) of section one hundred and eighty of the Army Act,<sup>1</sup> which relates to the application of that Act to His Majesty's Indian Forces, the following paragraph shall be inserted after paragraph (d) —

(e) A court-martial may sentence an officer of the Indian Forces to forfeit all or any part of his service for the purposes of promotion

**SCHEDULE**

(SECTION 3 )

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meal furnished.	Sixpence per night.
Breakfast as specified in Part I of the Second Schedule to the Army Act.	Fivespence each.
Dinner as so specified	One shilling and one penny each.
Supper as so specified	Threepence each.
Where no meals furnished, lodging and attendance and candle, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Sixpence per day
Stable room and ten pounds of oats, twelve pounds of hay and eight pounds of straw per day for each horse.	One shilling and ninepence per day
Stable room without forage	Sixpence per day
Lodging and attendance for officer	Two shillings per night.

Note.—An officer shall pay for his food.

**THE ALIENS RESTRICTION ACT 1914**

(4 & 5 Geo 5, c 12.)

*An Act to enable His Majesty in time of war or imminent national danger or great emergency by Order in Council to impose restrictions on Aliens and make such provisions as appear necessary or expedient for carrying such restrictions into effect*

[8th August 1914.]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and

<sup>1</sup> See Vol. I of this publication.

Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) His Majesty may at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, by Order in Council impose restrictions on aliens, and provision may be made by the Order—

- (a) for prohibiting aliens from landing in the United Kingdom, either generally or at certain places, and for imposing restrictions or conditions on aliens landing or arriving at any port in the United Kingdom; and
- (b) for prohibiting aliens from embarking in the United Kingdom, either generally or at certain places, and for imposing restrictions and conditions on aliens embarking or about to embark in the United Kingdom, and
- (c) for the deportation of aliens from the United Kingdom, and
- (d) for requiring aliens to reside and remain within certain places or districts; and
- (e) for prohibiting aliens from residing or remaining in any areas specified in the Order, and
- (f) for requiring aliens residing in the United Kingdom to comply with such provisions as to registration, change of abode, travelling, or otherwise as may be made by the Order; and
- (g) for the appointment of officers to carry the Order into effect, and for conferring on such officers and on the Secretary of State such powers as may be necessary or expedient for the purposes of the Order, and
- (h) for imposing penalties on persons who aid or abet any contravention of the Order, and for imposing such obligations and restrictions on masters of ships or any other persons specified in the Order as appear necessary or expedient for giving full effect to the Order, and
- (i) for conferring upon such persons as may be specified in the Order such powers with respect to arrest, detention, search of premises or persons, and otherwise, as may be specified in the Order, and for any other ancillary matters for which it appears expedient to provide with a view to giving full effect to the Order, and

(k) for any other matters which appear necessary or expedient with a view to the safety of the realm.

<sup>1</sup>[(l) for determining what nationality is to be ascribed to aliens in doubtful circumstances and for disregarding in the case of any person against whom a deportation or expulsion order has been made any subsequent change of nationality ]

(2) If any person acts in contravention of or fails to comply with any provisions of any such Order he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months and the court before which he is convicted may either in addition to or in lieu of any such punishment, require that person to enter into recognizances with or without sureties to comply with the provisions of the Order in Council or such provisions thereof as the court may direct

If any person fails to comply with an order of the court requiring him to enter into recognizances the court or any court of summary jurisdiction sitting for the same place may order him to be imprisoned with or without hard labour for any term not exceeding six months

(3) Any provision of any Order in Council made under this section with respect to aliens may relate either to aliens in general or to any class or description of aliens

(4) If any question arises on any proceedings under any such Order or with reference to anything done or proposed to be done under any such Order whether any person is an alien or not or is an alien of a particular class or not the onus of proving that that person is not an alien, or as the case may be is not an alien of that class shall lie upon that person

(5) His Majesty may by Order in Council revoke alter or add to any Order in Council made under this section as occasion requires

(6) Any powers given under this section or under any Order in Council made under this section shall be in addition to and not in derogation of any other powers with respect to the expulsion of aliens or the prohibition of aliens from entering the United Kingdom or any other powers of His Majesty

2 (1) This Act may be cited as the Aliens Restriction Act 1914

(2) In the application of this Act to Scotland the expressions 'the court' and 'any court of summary jurisdiction' mean the sheriff and the expressions 'enter into recognizances with or without sureties' and 'enter into recognizance' mean 'find caution'

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\* This clause was added by s 2 of D & 10 Geo 5 c 92 see infra.

The Prize Courts (Procedure) Act, 1914

(4 & 5 Geo. 5, c. 13.)

*In Act to amend the Law relating to Procedure in Prize Courts —*

[5th August, 1914]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows —

1. (1) As from the date when rules under an Order in Council made procedure in prize courts after the passing of this Act in pursuance of section three of the Prize Courts Act 1894,<sup>1</sup> regulating the procedure and practice in prize courts, come into operation such of the provisions of the Naval Prize Act 1864,<sup>2</sup> as are specified in the Schedule to this Act (being enactments relating to the practice and procedure in prize courts) shall be repealed.

Provided that nothing in such repeal shall have the effect of extending section sixteen of that Act to ships of war taken as prize, and accordingly that section shall have effect as if the following words were inserted therein — "Nothing in this section shall apply to ships of war taken as prize."

(2) Any cause or proceeding commenced in any prize court before such rules as aforesaid come into operation as respects that court may, as the court directs, be either—

- (a) recommenced and proceeded with in accordance with the said rules; or
- (b) continued in accordance with the said rules subject to such adaptations as the court may deem necessary to make them applicable to the case, or
- (c) continued to the determination thereof in accordance with the procedure applicable to the case at the commencement of the cause or proceeding

2 This Act may be cited as the Prize Courts (Procedure) Act, 1914, Short title and shall be construed as one with the Naval Prize Act, 1864, and that Act and the Prize Courts Act, 1894, and this Act may be cited together as the Naval Prize Acts, 1864 to 1914

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SCHEDULE

PROVISIONS OF NAVAL PRIZE ACT, 1864,<sup>2</sup> REPEALED

Sections 7 and 8, 18 to 29, 32, 33, and 36, and in section 41, the words "either by warrant of arrest against the ship or goods, or by monition and attachment against the owner"

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<sup>1</sup> See Vol. II of this publication

<sup>2</sup> See Vol. I of this publication

**THE TRADE MARKS ACT, 1914**

(4 &amp; 5 Geo 5, c 16)

*An Act to amend section sixty-four of the Trade Marks Act, 1905*

[7th August 1914]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled and by the authority of the same, as follows —

**Amendment of 5 Edw 7 c 15 s. 64**  
**1.** Clause (c) of sub-section (10) of section sixty four of the Trade Marks Act 1905<sup>1</sup> shall be and the same is hereby amended by insertion therein of the words "in respect of cotton piece-goods or cotton yarn" immediately after the opening words "No registration of a cotton mark

**Construction and commencement of Act**  
**2.** This Act shall be construed as one with the Trade Marks Act 1905<sup>1</sup> and the said Act of 1905 shall be construed and take effect from the date of its passing as if this Act had then formed part thereof

**Short title.**  
**3.** This Act may be cited as the Trade Marks Act 1914 and the Trade Marks Act 1905 and this Act may be cited together as the Trade Marks Acts 1905 and 1914

**THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914<sup>2</sup>**

(4 &amp; 5 Geo 5 c 17)

**ARRANGEMENT OF SECTIONS****PART I****NATURAL-BORN BRITISH SUBJECTS****SECTION****1 Definition of natural born British subject**

<sup>1</sup> See Vol II of this publication.  
 Sections 3 and 4 and section 3 respectively of the British Nationality and Status of Alien Acts 1918 and 1922, which do not make textual amendments in the principal Act of 1914 are printed *infra*.

## PART II

### *Naturalization of Aliens.*

#### SECTION.

2. Certificate of naturalization.
3. Effect of certificate of naturalization.
4. Special certificate in case of doubt.
5. Persons under disability.
6. Persons previously naturalized.
7. Revocation of certificate of naturalization.
- 7 A. Effect of revocation of certificate of naturalization.
8. Power of Governments of British possessions to grant certificates of Imperial naturalization.
9. Application of Part II to Self-Governing Dominions.

## PART III

### *GENERAL.*

#### *National Status of Married Women and Infant Children.*

10. National status of married women.
11. Status of widows.
12. Status of children.

#### *Loss of British Nationality.*

- 13 Loss of British Nationality by foreign naturalization.
- 14 Declaration of alienage.
- 15 Power of naturalized subjects to divest themselves of their status in certain cases.
- 16 Saving of obligations incurred before loss of nationality.

#### *Status of Aliens*

- 17 Capacity of alien as to property.
18. Trial of alien.

#### *Procedure and Evidence.*

19. Regulations by Secretary of State.
20. Evidence and declarations.

SECTION

- 21 Evidence of certificates of naturalization
- 22 Evidence of entries in registers
- 23 Penalty for false representation or statement
- 24 Form of oath of allegiance

*Supplemental*

- 25 Saving for letters of denization
- 26 Saving for powers of Legislatures and Governments of British possessions
- 27 Definitions
- 28 Repeal short title and commencement

SCHEDULES

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*An act to consolidate and amend the Enactments relating to British Nationality and the Status of Aliens*

[7th August 1914]

BE it enacted by the King & Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows —

PART I

NATURAL-BORN BRITISH SUBJECTS

Definition of natural born British subject.

1 (1) The following persons shall be deemed to be natural born British subjects namely—

(a) any person born within His Majesty's dominions and allegiance and

<sup>1</sup>[(b) any person born out of His Majesty's dominions whose father was at the time of that person's birth a British subject and who fulfills any of the following conditions that is to say if either—

(i) his father was born within His Majesty's allegiance  
or

<sup>1</sup>This paragraph was substituted for the original paragraph (b) by section 1 of the British Nationality and Status of Aliens Act 1914 (c 15) on 6th Oct 1914.

- (ii) his father was a person to whom a certificate of naturalization had been granted, or
- (iii) his father had become a British subject by reason of any annexation of territory, or
- (iv) his father was at the time of that person's birth in the service of the Crown, or
- (v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two, and]

(c) any person born on board a British ship whether in foreign territorial waters or not

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, suffrage, or other lawful means, His Majesty exercises jurisdiction over British subjects

<sup>1</sup>[Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorised in special cases by regulations made under this Act—

(1) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act, and

(2) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly.]

(2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act

<sup>1</sup>This proviso was inserted by section 1 of the British Nationality and Status of Aliens Act, 1922 (12 & 13 Geo 5, c 44), see *infra*

<sup>1</sup>[<sup>(4)</sup> The certificate of a Secretary of State that a person was at any date in the service of the Crown shall for the purposes of this section be conclusive.]

## PART II

### NATURALIZATION OF ALIENS

Certificate of  
naturalization.

**2** (1) The Secretary of State may grant a certificate of naturalization to an alien who makes an application for the purpose and satisfies the Secretary of State—

- (a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section or been in the service of the Crown for not less than five years within the last eight years before the application and
- (b) that he is of good character and has an adequate knowledge of the English language, and
- (c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown

(2) The residence required by this section is residence in the United Kingdom for not less than one year immediately preceding the application and previous residence either in the United Kingdom or in some other part of His Majesty's dominions for a period of four years within the last eight years before the application

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State and he may with or without assigning any reason give or withhold the certificate as he thinks most conducive to the public good and no appeal shall lie from his decision

(4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance

(5) In the case of a woman who was a British subject previously to her marriage to an alien and whose husband has died or whose marriage has been dissolved the requirements of this section as to residence shall not apply and the Secretary of State may in any other special case if he thinks fit grant a certificate of naturalization although the four years residence or five years service has not been within the last eight years before the application

<sup>1</sup>This sub-section was inserted by section 2 of the British Nationality and Status of Aliens Act 1918 (5 & 6 Geo. 5 c 53) *see infra*.

<sup>1</sup>[(6) For the purpose of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom ]

3. (1) A person to whom a certificate of naturalization is granted by a Secretary of State shall, subject to the provisions of this Act, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, duties and liabilities, to which a natural born British subject is entitled or subject, and as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject

(2) Section three of the Act of Settlement (which disqualifies naturalized aliens from holding certain offices) shall have effect as if the words "naturalized or" were omitted therefrom

4. The Secretary of State may in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject

5. (1) Where an alien obtains a certificate of naturalization, the Secretary of State may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject, but any such child may, within one year after attaining his majority, make a declaration of alienage and shall thereupon cease to be a British subject

(2) The Secretary of State may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, <sup>2</sup>[whether or not] the conditions required by this Act have <sup>3</sup>been complied with

(3) Except as provided by this <sup>4</sup>[Act] a certificate of naturalization shall not be granted to any person under disability

6. An alien who has been naturalized before the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and the Secretary of State may grant to him a certificate on such terms and conditions as he may think fit

<sup>1</sup> This sub-section was inserted by section 2 of the British Nationality and Status of Aliens Act, 1918 (8 & 9 Geo 5, c 38), see *infra*

<sup>2</sup> These words were substituted for the word "although" by section 2 of the British Nationality and Status of Aliens Act, 1918 (8 & 9 Geo 5, c 38), see *infra*

<sup>3</sup> The word "not" was omitted by section 2, *ibid*

<sup>4</sup> This word was substituted for the word "section" by section 2, *ibid*

Revocation  
of certificate  
of natural  
ization.

<sup>1</sup>[7] (1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud or by concealment of material circumstances or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty the Secretary of State shall by order revoke the certificate

(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

- (a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war or
- (b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months or to a term of penal servitude or to a fine of not less than one hundred pounds or
- (c) was not of good character at the date of the grant of the certificate or
- (d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject firm or company carrying on business or an institution established in His Majesty's dominions or in the service of the Crown and has not maintained substantial connection with His Majesty's dominions or
- (e) remains according to the law of a state at war with His Majesty a subject of that state

and that (in any case) the continuance of the certificate is not conducive to the public good

(3) The Secretary of State may if he thinks fit before making an order under this section refer the case for such inquiry as is hereinafter specified and in any case to which sub-section (1) or paragraph (a), (c) or (e) of sub-section (2) of this section applies the Secretary of State shall by notice given to or sent to the last known address of the holder of the certificate give him an opportunity of claiming that the case be referred

<sup>1</sup>Section 7 and 8 were substituted for the usual sections by section 1 of the British Nationality and Status of Aliens Act 1914 (1 Geo 5, c 17).

for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct.

Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court and the practice and procedure on any inquiry so held shall be regulated by rules of court.

A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters —

- (a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise and the issue of a commission or a request to examine witnesses abroad, and
- (b) the compelling the production of documents, and
- (c) the punishing persons guilty of contempt,

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

(6) Where the Secretary of State revokes a certificate of naturalization the revocation shall have effect from such date as the Secretary of State may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.]

<sup>1</sup>[7A (1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an Effect of revocation of certificate of naturalization.

alien, but except where the Secretary of State directs as aforesaid the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation and they shall remain British subjects

Provided that—

- (a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage and therupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens and
- (b) the Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate

(2) The provisions of this section shall as respects persons affected thereby have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case

(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the state to which he belonged at the time the certificate was granted.]

**8** (1) The Government of any British Possession shall have the same power to grant a certificate of naturalization as the Secretary of State has under this Act and the provisions of this Act as to the grant and revocation of such a certificate shall apply accordingly with the substitution of the Government of the Possession for the Secretary of State and the Possession for the United Kingdom [and of a High Court or superior court of the possession for the High Court and with the omission of any reference to the approval of the Lord Chancellor] and also in a Possession where any language is recognised as on an equality with the English language with the substitution of the English language or that language for the English language.

Provided that in any British Possession other than British India and a Dominion specified in the First Schedule in this Act the powers of the Government of the Possession under this section shall be exercised by

<sup>1</sup> These words were inserted by section 2 of the British Nationality and Status of Aliens Act 1914 (4 & 5 Geo 5 c 33) *infra*

the Governor or a person acting under his authority, but shall be subject in each case to the approval of the Secretary of State, and any certificate proposed to be granted <sup>1</sup>[and any proposal to revoke any certificate], shall be submitted to him for his approval

(2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Secretary of State under this Act

9. (1) This Part of this Act shall not, nor shall any certificate of naturalization granted thereunder, have effect within any of the Dominions specified in the First Schedule to this Act, unless the Legislature of that Dominion adopts this Part of this Act

(2) Where the Legislature of any such Dominion has adopted this Part of this Act, the Government of the Dominion shall have the like powers to make regulations with respect to certificate of naturalization and to oaths of allegiance as are conferred by this Act on the Secretary of State

(3) The Legislature of any such Dominion which adopts this Part of this Act may provide how and by what Department of the Government the powers conferred by this Part of this Act on the Government of a British Possession are to be exercised

(4) The Legislature of any such Dominion may at any time rescind the adoption of this Part of this Act, provided that no such rescission shall prejudicially affect any legal rights existing at the time of such rescission

### PART III

#### GENERAL

##### *National Status of Married Women and Infant Children*

10. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien. Provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject <sup>1</sup>[and provided that where an alien is a subject of a state at war, with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization ]

<sup>1</sup> These words were inserted by section 2 of the British Nationality and Status of Aliens Act, 1918 (8 & 9 Geo 5, c 38), see *infra*.

Status of widow.

11. A woman who having been a British subject has by or in consequence of her marriage become an alien shall not by reason only of the death of her husband or the dissolution of her marriage cease to be an alien and a woman who having been an alien has by or in consequence of her marriage become a British subject shall not by reason only of the death of her husband or the dissolution of her marriage cease to be a British subject

Status of children.

12 (1) Where a person being a British subject ceases to be a British subject whether by declaration of alienage or otherwise every child of that person being a minor shall thereupon cease to be a British subject, unless such child on that person ceasing to be a British subject does not become by the law of any other country naturalized in that country

Provided that where a widow who is a British subject marries an alien, any child of hers by her former husband shall not by reason only of her marriage cease to be a British subject whether he is residing outside His Majesty's dominions or not

(2) Any child who has so ceased to be a British subject may within one year after attaining his majority make a declaration that he wishes to resume British nationality and shall thereupon again become a British subject

#### *Loss of British Nationality*

Loss of  
British  
nationality  
by foreign  
naturaliza-  
tion.

Declaration  
of alienage.

13 A British subject who when in any foreign State and not under disability by obtaining a certificate of naturalization or by any other voluntary and formal act becomes naturalized therein shall thenceforth be deemed to have ceased to be a British subject

14 (1) Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural born British subject but who at his birth or during his minority became under the law of any foreign State a subject also of that State and is still such a subject may if of full age and not under disability make a declaration of alienage and on making the declaration shall cease to be a British subject

(2) Any person who though born out of His Majesty's dominions is a natural born British subject may if of full age and not under disability make a declaration of alienage and on making the declaration shall cease to be a British subject

Powers of  
naturalised  
subject to  
dissent from  
status of the  
State in  
certain cases.

15 Where His Majesty has entered into a Convention with any foreign State to the effect that the subjects or citizens of that State to whom certificates of naturalization have been granted may dissent themselves of their status as such subjects it shall be lawful for His Majesty by Order in Council to declare that the Convention has been entered into by His Majesty and from and after the date of the Order any person

having been originally a subject or citizen of the State therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the Convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the State to which he originally belonged as aforesaid.

18. Where any British subject ceases to be a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject

*Saving of obligations incurred before loss of nationality.*

#### *Status of Aliens*

17. Real and personal property of every description may be taken, acquired, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as though, from or in succession to a natural-born British subject:—

Provided that this section shall not operate so as to—

- (1) confer any right on an alien to hold real property situate out of the United Kingdom; or
- (2) qualify an alien for any office or for any municipal, parliamentary, or other franchise, or
- (3) qualify an alien to be the owner of a British ship; or
- (4) entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him, or
- (5) affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the 12th day of May eighteen hundred and seventy or in pursuance of any devolution by law on the death of any person dying before that day

18. An alien shall be triable in the same manner as if he were trial of alien unnatural-born British subject

#### *Procedure and Evidence*

19. (1) The Secretary of State may make regulations<sup>1</sup> generally for carrying into effect the objects of this Act, and in particular with respect to the following matters —

- (a) The form and registration of certificates of naturalization granted by the Secretary of State

<sup>1</sup> For Regulations, see London Gazette, 1915, page 48, and for those applicable to India, see Gazette of India, 1916, Part I, page 166, and Vol I of G S R & O

- (b) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality
- (c) The registration by officers in the diplomatic or consular service of His Majesty of the births and deaths of British subjects born or dying out of His Majesty's dominions
- (d) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization
- (e) The persons by whom the oath of allegiance may be administered and the person before whom declaration of alienage and declarations of resumption of British nationality may be made
- (f) Whether or not oaths of allegiance are to be subscribed as well as taken and the form in which the taking and subscription are to be attested
- (g) The registration of oaths of allegiance
- (h) The persons by whom certified copies of oaths of allegiance may be given and the proof in any legal proceeding of any such oaths
- (i) The transmission to the United Kingdom for the purpose of registration or safe keeping or of being produced as evidence of any declarations, certificates or oaths made granted or taken out of the United Kingdom in pursuance of this Act or of any Act hereby repealed or of any copies thereof also of copies of entries contained in any register kept out of the United Kingdom in pursuance of this act or any Act hereby repealed
- (j) With the consent of the Treasury the imposition and application of fees in respect of any registration authorised to be made by this Act or any Act hereby repealed and respect of the making of any declaration or the grant of any certificate authorised to be made or granted by this Act or any Act hereby repealed and in respect of the administration or registration of any oath Provided that in the case of a woman who was a British subject previously to her marriage to an alien and whose husband has died or whose marriage has been dissolved the fee for the grant of a certificate shall not exceed five shillings

(2) Any regulation made by the Secretary of State in pursuance of this Act shall be of the same force as if it had been enacted therein but shall not so far as respects the imposition of fees be in force in any

British Possession, and shall not, so far as respects any other matter, be in force in any British Possession, in which any Act or Ordnance, or in the case of a Dominion specified in the First Schedule to this Act, any regulation made by the Government of the Dominion under Part II of this Act, to the contrary of, or inconsistent with, any such Regulation may for the time being in force

(3) Any regulations made by the Secretary of State under any Act hereby repealed shall continue in force and be deemed to have been made under this Act.

**20.** Any declaration made under this Act or under any Act hereby repealed may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorised by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned.

**21.** A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the Secretary of State or by any person authorised by him in that behalf

**22.** Entries in any register made in pursuance of this Act or under any Act hereby repealed may be proved by such copies and certified in such manner as may be directed by the Secretary of State, and the copies of any such entries shall be evidence of any matters by this Act or by any Act hereby repealed or by any regulation of the Secretary of State authorised to be inserted in the register

**23.** If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall in the United Kingdom, be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months

**24.** The oath of allegiance shall be in the form set out in the Second Schedule to this Act

Form of  
oath of al-  
legiance

#### *Supplemental.*

**25.** Nothing in this Act shall affect the grant of letters of denization by His Majesty.

Saving for  
letters of  
denization.

**26. (1)** Nothing in this Act shall take away or abridge any power vested in, or exercisable by, the Legislature, or Government of any British Possession, or affect the operation of any law at present in force which has been passed in exercise of such a power, or prevent any such

Saving for  
powers of  
Legislatures  
and Govern-  
ments of

- (b) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality
- (c) The registration by officers in the diplomatic or consular service of His Majesty of the births and deaths of British subjects born or dying out of His Majesty's dominions
- (d) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization
- (e) The persons by whom the oath of allegiance may be administered and the person before whom declaration of alienage and declarations of resumption of British nationality may be made
- (f) Whether or not oaths of allegiance are to be subscribed as well as taken and the form in which the taking and subscription are to be attested
- (g) The registration of oaths of allegiance
- (h) The persons by whom certified copies of oaths of allegiance may be given and the proof in any legal proceeding of any such oaths
- (i) The transmission to the United Kingdom for the purpose of registration or safe keeping or of being produced as evidence of any declarations, certificates or oaths made granted or taken out of the United Kingdom in pursuance of this Act or of any Act hereby repealed or of any copies thereof also of copies of entries contained in any register kept out of the United Kingdom in pursuance of this act or any Act hereby repealed
- (j) With the consent of the Treasury the imposition and application of fees in respect of any registration authorized to be made by this Act or any Act hereby repealed and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act hereby repealed and in respect of the administration or registration of any oath Provided that in the case of a woman who was a British subject previously to her marriage to an alien and whose husband has died or whose marriage has been dissolved the fee for the grant of a certificate shall not exceed five shillings
- (k) Any regulation made by the Secretary of State in pursuance of this Act shall be of the same force as if it had been enacted therein but shall not so far as respects the imposition of fees be in force in any

British Possession, and shall not, so far as respects any other matter, be in force in any British Possession, in which any Act or Ordnance, or in the case of a Dominion specified in the First Schedule to this Act, any regulation made by the Government of the Dominion under Part II of this Act, to the contrary of, or inconsistent with, any such Regulation may for the time being in force

(3) Any regulations made by the Secretary of State under any Act hereby repealed shall continue in force and be deemed to have been made under this Act

**20.** Any declaration made under this Act or under any Act hereby repealed may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorised by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned.

**21.** A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the Secretary of State or by any person authorised by him in that behalf

**22.** Entries in any register made in pursuance of this Act or under any Act hereby repealed may be proved by such copies and certified in such manner as may be directed by the Secretary of State, and the copies of any such entries shall be evidence of any matters by this Act or by any Act hereby repealed or by any regulation of the Secretary of State authorised to be inserted in the register

**23.** If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall in the United Kingdom, be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months

**24.** The oath of allegiance shall be in the form set out in the Second Schedule to this Act

Form of  
oath of al-  
legiance

#### *Supplemental.*

**25.** Nothing in this Act shall affect the grant of letters of denization by His Majesty

Saving for  
letters of  
denization.

**26.** (1) Nothing in this Act shall take away or abridge any power vested in, or exercisable by, the Legislature, or Government of any British Possession, or affect the operation of any law at present in force which has been passed in exercise of such a power, or prevent any such

Saving for  
powers of  
Legislatures  
and Govern-  
ments of

*British pos-  
sessions.*

Legislature or Government from treating differently different classes of British subject

(2) All Laws Statutes and Ordinances made by the Legislature of a British Possession for imparting to any person any of the privileges of naturalization to be enjoyed by him within the limits of that Possession shall within those limits have the authority of law

(3) Where any parts of His Majesty's Dominions are under both a central and a local legislature the expression "British Possession" shall for the purposes of this section include both all parts under the central legislature and each part under a local legislature. Provided that nothing in this provision shall be construed as validating any Law Statute or Ordinance with respect to naturalization made by any such local legislature in any case where the central legislature possesses exclusive legislative authority with respect to naturalization

*Definitions*

27 (1) In this Act unless the context otherwise requires —

The expression "British subject" means a person who is a natural-born British subject or a person to whom a certificate of naturalization has been granted [or a person who has become a subject of His Majesty by reason of any annexation of territory]

The expression "alien" means a person who is not a British subject

The expression "certificate of naturalization" means a certificate of naturalization granted under this Act or under any Act repealed by this or any other Act

The expression "disability" means the status of being a married woman or a minor lunatic or idiot

The expression "territorial waters" includes any port harbour or dock

\*[The expression "British Consulate" means the office of any British consular officer where a register of births is kept and includes in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty the office of such resident or representative.]

\*[(2) Where in pursuance of the Act the name of a child is included in a certificate of naturalization granted to his parent or where in pur-

<sup>1</sup>[These words were inserted by section 2 of the British Nationality and Status of Aliens Act 1914 (3 & 4 Geo 5 c 23) see <sup>1</sup> for]

<sup>2</sup>[These words were inserted by section 1 of the British Nationality and Status of Aliens Act 1917 (12 & 13 Geo 5 c 43) see <sup>1</sup> for]

<sup>3</sup>[This sub-section was substituted by section 1 of the British Nationality and Status of Aliens Act 1914 (3 & 4 Geo 5 c 23) see <sup>1</sup> for]

suance of any Act repealed by this Act, any child has been deemed to be a naturalised British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted ]

**28.** (1) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule Repeal, short title, and commencement

(2) The Act may be cited as the British Nationality and Status of Aliens Act, 1914

(3) The Act shall come into operation on the first day of January nineteen hundred and fifteen

### SCHEDULES

#### FIRST SCHEDULE

##### *List of Dominions*

Sections 8, 9,  
19

The Dominion of Canada

The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island)

The Dominion of New Zealand

The Union of South Africa

Newfoundland

#### SECOND SCHEDULE.

Section 24.

##### *Oath of Allegiance*

"I, A B, swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the fifth, His Heirs and Successors, according to law"

#### THIRD SCHEDULE.

Section 28

##### *Enactments Repealed*

Session and Chapter	Title or short title	Extent of Repeal
25 Edw 3, stat 1	Statute for those who are born in parts beyond the seas	From "and in the right of other children" to the end of the statute

39 The British Nationality and Status of [4 & 5 Geo 5, c 17  
 Aliens Act, 1914]

The Army (Supply of Food Forage [4 & 5 Geo 5, c 26.  
 and Stores) Act, 1914

Section and Chapter	Title or short title.	Extent of Repeal
42 Edw 3, c. 10	A statute made at Westminster on the first day of May in the forty second year of King Edward III	The whole chapter
12 & 13 Will 3, c. 2	The Act of Settlement <sup>1</sup>	In section three the words "naturalized or"
7 Anne, c. 5	The Foreign Protestants (Naturalization) Act, 1708. <sup>1</sup>	The whole Act.
4 Geo. 2, c. 2	The British Nationality Act, 1730. <sup>1</sup>	The whole Act.
18 Geo. 3, c. 21	The British Nationality Act, 1772 <sup>1</sup>	The whole Act.
33 & 34 Vict., c. 14	The Naturalization Act 1870 <sup>1</sup>	The whole Act.
33 & 34 Vict., c. 102	The Naturalization Oath Act, 1870 <sup>1</sup>	The whole Act.
58 & 59 Vict., c. 43	The Naturalization Act 1880 <sup>1</sup>	The whole Act.

THE ARMY (SUPPLY OF FOOD, FORAGE AND STORES) ACT 1914

(4 & 5 Geo 5, c 26.)

An Act to enable Food Forage and Stores for His Majesty's Forces to be requisitioned in cases of emergency

[7th August, 1914]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

1. The power of requisitioning carriages, horses, vessels and aircraft in case of emergency conferred by the Army Act<sup>1</sup> shall extend so as to include a power of requisitioning food, forage and stores of all descriptions and accordingly at the end of subsection (2) of section one hundred and fifteen of the Army Act<sup>1</sup> there shall be inserted the words 'and

Extension of  
 Section 118  
 of Army Act  
 to food  
 forage and  
 stores.

<sup>1</sup>See Vol. I of this publication:  
 See Vol. II of 1883

**4 & 5 Geo. 5, c. 26.]** *The Army (Supply of Food, Forage, and Stores) Act, 1914.* 33

**4 & 5 Geo. 5, c. 42.]** *The Merchant Shipping (Certificates) Act, 1914*

also of food, forage, and stores of every description," and all the other provisions of that section and also the provisions of sections thirty-one, one hundred and sixteen, one hundred and seventeen, one hundred and nineteen, and one hundred and twenty-one of the Army Act<sup>1</sup> shall, so far as applicable, apply in relation to food, forage, and stores as they apply in relation to vessels.

**2.** This Act may be cited as the Army (Supply of Food, Forage, and Short title. Stores) Act, 1914.

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THE MERCHANT SHIPPING (CERTIFICATES) ACT, 1914.

(4 & 5 Geo. 5, c. 42.)

*An Act to amend the law relating to Examinations for Certificates of Competency*

[10th August, 1914]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

**1. (1)** For the purpose of granting certificates of competency as masters or mates to persons desirous of obtaining such certificates, examinations shall be held at such places as the Board of Trade direct

Examinations for certificates of competency as masters or mates.

**(2)** The Board of Trade may appoint times for the examinations and may appoint, remove, and re-appoint examiners to conduct the examinations, and determine the remuneration of those examiners, and may regulate the conduct of the examinations and qualification of the applicants, and may do all such acts and things as they think expedient for the purpose of the examinations

**(3)** Sections 94 and 95 of the Merchant Shipping Act, 1894,<sup>2</sup> are hereby repealed.

**2.** This Act may be cited as the Merchant Shipping (Certificates) Act, 1914, and the provisions of this Act shall be construed as if they were contained in Part II of the Merchant Shipping Act, 1894; and the Merchant Shipping Acts, 1894 to 1913, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1914.

Short title and construction

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<sup>1</sup> See Vol I of this publication

<sup>2</sup> See Vol II of this publication.

**THE SUPERANNUATION ACT, 1914**

(4 &amp; 5 Geo 5, c 86)

**ARRANGEMENT OF SECTIONS****SECTION**

- 1 Distribution of gratuities without probate in certain cases
- 2 Amendment of s 2 (1) of Act of 1909
- 3 Amendment to s 4 of Act of 1887
- 4 Power to grant superannuation allowances to civil servants transferred to other employment in certain cases
- 5 Repeal of s 4 of the Act of 1859 and s 3 of the Act of 1884 as to added years
- 6 Repeal of s 7 (2) of the Act of 1887
- 7 Short title

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*An Act to amend the Superannuation Acts 1834 to 1909*

[18th September 1914]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, as follows —

Distribution  
of gratuities  
without  
probate in  
certain cases.

1. Where the Treasury has decided to grant a gratuity to the legal personal representatives of a deceased civil servant under section two or section three of the Superannuation Act 1909 probate or other proof of the title of the personal representatives of the deceased may be dispensed with and the gratuity paid or distributed in manner provided by section eight of the Superannuation Act of 1887<sup>1</sup> and that section shall apply accordingly as if such gratuity as aforesaid were a sum due to the deceased at the time of his death in respect of superannuation allowance.

Amendment  
to s 2 (2) of  
the 1909 Act

2. The amount of the gratuity which may be granted under subsection (1) of section two of the Superannuation Act 1909 to the legal personal representatives of a civil servant who dies whilst still employed in the service shall be either the amount specified in that subsection or an amount equal to the amount of the additional allowance which the Treasury might have granted to him if he had retired from the civil service on the ground of ill health at the date of his death whichever may be the greater.

3. If any person dies while in his employment, being a person to whom a gratuity might have been granted under section four of the Superannuation Act, 1887,<sup>1</sup> if at the time of his death he had retired from such employment because of infirmity of mind or body the Treasury may, if they think fit, grant to his dependants such compassionate gratuity as they might have granted to the deceased person had he so retired.

4. (1) If a civil servant has been before the passing of this Act or is thereafter transferred, with the consent of the head officer of his department, to employment which is approved employment within the meaning of this section, it shall be lawful, upon his retirement from that employment under conditions which would have entitled him to any superannuation allowance, additional allowance, or gratuity had he continued to be employed as a civil servant, for the Treasury, if the head officer of the department in which he was serving at the time of transfer makes a recommendation to that effect, to grant to him, out of moneys provided by Parliament, such superannuation allowance, additional allowance, or gratuity as might have been granted to him if, at the date of transfer, he had retired from the civil service on the ground of ill-health.

(2) For the purposes of this section "approved employment" means employment, whether within or without His Majesty's Dominions (not being employment in a public office within the meaning of the Superannuation Act, 1892,<sup>2</sup> service in which qualifies for the grant of a superannuation allowance), which is recognised by the head officer of the department in which the civil servant was serving at the time of transfer, and by the Treasury, as being employment to which it is expedient that the provisions of this section should apply.

(3) Section 12 of the Superannuation Act, 1859, is hereby repealed, but nothing in this repeal shall affect the rights of any officer who, before the passing of this Act, has been transferred from employment entitling him to a superannuation allowance to public employment under the Crown not so entitling him, nor shall this repeal affect the said section as applied by any other enactment.

5. Section four of the Superannuation Act, 1850, and section three of the Superannuation Act, 1884 (which relate to superannuation allowances of persons holding professional and other special offices), are hereby repealed, but nothing in this repeal shall affect the rights of any person who, before the date of the passing of this Act, has been appointed to an office to which an order, warrant, or minute of the Treasury, issued under either of the said sections, applied.

6. Sub-section (2) of section 7 of the Superannuation Act, 1887<sup>1</sup> (which provides for the reduction of the pension, superannuation and

Amendment  
to s 4 of Act  
of 1887

Power to  
grant super-  
annuation  
allowances to  
civil servants  
transferred  
to other  
employment  
in certain  
cases

Repeal of  
s 4 of the  
Act of 1859  
and s 3 of  
the Act of  
1884 as to  
added years.

Repeal of  
s 7 (2) of the  
Act of 1887

<sup>1</sup> See Vol I of this publication

<sup>2</sup> See Vol II of this publication

36           *The Superannuation Act, 1914* [4 & 5 Geo 5, c 86  
*The Navy (Pledging of Certificate, etc) Act, 1914* [4 & 5 Geo 5, c 89  
*The Army (Amendment) Act, 1915* [5 Geo 5, c 26

other allowance payable to a person when that person is or becomes a lunatic towards whose maintenance a contribution is made out of moneys provided by Parliament) is hereby repealed

*Short title.*

7 This Act may be cited as the Superannuation Act 1914 and the Superannuation Acts 1834 to 1009 and this Act may be cited together as the Superannuation Acts 1834 to 1914

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**THE NAVY (PLEDGING OF CERTIFICATES ETC) ACT 1914**

(4 & 5 Geo 5, c 89)

*An Act to prevent the Disposal or Pledging of Certificates, Naval Uniforms or other Property and for purposes connected therewith*

[18th September, 1914]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

*Application to navy of provisions of Army Act as to pledging of uniforms, certificates, etc.*

1. Section one hundred and fifty-six of the Army Act<sup>1</sup> (which imposes a penalty on purchasing from soldiers regimental necessaries equipment stores, etc.) shall apply to persons serving in the naval forces of the Crown as it applies to soldiers with such adaptations as the Admiralty may by regulations prescribe and the Admiralty may by those regulations extend the application of sub-section 9 of the said section so as to make it applicable to any certificate relating to the service of any person serving in the naval forces of the Crown

*Short title.*

2 This Act may be cited as the Navy (Pledging of Certificates etc) Act 1914

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**THE ARMY (AMENDMENT) ACT 1915**

(5 Geo 5 c 26)

*In aid to amend the Army Act*

[16th March 1915]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons

in this present Parliament assembled and by the authority of the same,  
as follows —

**1. (1)** The limitation on the time within which a soldier of the Regular Forces enlisted for general service is liable to be transferred from the corps to which he was originally appointed to another corps of the same arm or branch of the service shall not apply whilst a Proclamation calling out the Army Reserve on permanent service is in force, and accordingly in sub-section (1) of section eighty-three of the Army Act<sup>1</sup> after the words "within three months after the date of his attestation" there shall be inserted the words "or, at any time whilst a Proclamation ordering the Army Reserve to be called out on permanent service is in force"

Amendment  
of s. 83 (1) of  
Army Act

(2) This section shall not affect any man enlisted before the fourth day of August nineteen hundred and fourteen

**2. (1)** For sub-section (4) of section one hundred and fifteen of the Army Act,<sup>1</sup> which relates to the impressment of carriages, animals, and other things in the case of emergency, the following sub-section shall be substituted —

(4) The Army Council shall cause due payment to be made for carriages, animals, vessels, and aircraft furnished in pursuance of this section, and if any difference arises respecting the amount of payment for any carriage, animal, vessel, or aircraft the amount shall be such as may be fixed by a certificate of a county court judge having jurisdiction in any place in which such carriage, animal, vessel, or aircraft was furnished or through which it travelled in pursuance of the requisition, and for the purpose of fixing such amount the provisions set out in the Sixth Schedule to this Act shall have effect

Where a sum has been paid or tendered by or on behalf of the Army Council under this sub-section, that sum shall be deemed to be the amount due, unless within three weeks from the date of payment or tender an application is made to a county court judge for his certificate

(2) After the Fifth Schedule to the Army Act<sup>1</sup> the Schedule to this Act shall be inserted as the Sixth Schedule

(3) This section shall apply whether the article requisitioned was requisitioned before or after the passing of this Act

Provided that in its application to articles requisitioned before the passing of this Act a reference to three weeks from the passing of this Act shall be substituted for the reference to three weeks from the date of payment or tender

Amendment  
of s. 183 (2)  
of Army Act.

**3** The power of reducing non-commissioned officers to a lower grade or to the ranks conferred on the Army Council by paragraph (2) of section one hundred and eighty three of the Army Act may on active service be delegated to any general officer whom the Army Council may appoint for the purpose and accordingly in that paragraph after the words and any general officer he there shall be inserted the words or the Army Council

**4** The following section shall be inserted in the Army Act<sup>1</sup> after section one hundred and eighty four —

**184A** (1) Where an officer or petty officer in the Navy is a member of a body of His Majesty's naval forces acting with or is attached to any body of His Majesty's military forces under such conditions as may be prescribed by regulations made by the Admiralty and Army Council then for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers he shall in relation to such body of His Majesty's military forces as aforesaid be treated and have all such powers (other than powers of punishment) as if he were a military officer or non-commissioned officer as the case may be

(2) Where any officer or soldier is a member of a body of His Majesty's military forces acting with or is attached to any body of His Majesty's naval forces under such conditions as may be so prescribed as aforesaid then for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers the officers and petty officers of such naval body shall in relation to him be treated and have all such powers (other than powers of punishment) as if they were military officers or non-commissioned officers

(3) The relative rank of naval and military officers, petty officers, and non-commissioned officers shall for the purposes of this section be such as is provided by the King's Regulations and Admiralty Instructions for the time being in force

**5** This Act may be cited as the Army (Amendment) Act 1915

Short title

Section 12

## SCHEDULE II

### PROVISIONS AS TO DETERMINING AMOUNT TO BE PAID FOR ARTICLES REMITTED

1 Subject to the provisions of this Schedule and application to a county court judge for a certificate, shall be made in manner provided

5 Geo. 5, c. 30.] *The Naval Discipline Act, 1915*

by rules of court, and shall be heard by the judge without a jury, and his decision shall not be subject to appeal

2 Subject to the provisions of this schedule, and to rules of court, the judge shall on such application act in accordance with the law regulating, and shall have the powers attaching to, the exercise of his ordinary jurisdiction

3 The amount fixed by the certificate shall be such amount as appears to the county court judge to be the fair market value of the article requisitioned on the day on which it was required to be furnished as between a willing buyer and a willing seller, and where the owner of a carriage or horse has been required to deliver it at a distance from his premises shall include such sum as the judge may consider reasonable to cover the cost of such delivery.

4. No court fees shall be payable on the application, but the judge may, if he thinks fit, order either party to pay such sum as he may consider proper by way of costs to the other party which sum shall be added to or deducted from the amount fixed by the county court judge as the value of the article requisitioned, and the amount to be included in the certificate shall be adjusted accordingly

5 If the amount already paid by the Army Council exceeds the amount specified in the certificate, the county court judge shall certify the amount of the excess and shall order the amount so certified to be paid to the Army Council, which order shall be enforceable in like manner as a judgment of a county court

## THE NAVAL DISCIPLINE ACT, 1915

(5 Geo. 5, c. 30.)

## ARRANGEMENT OF SECTIONS

## SECTION

- 1 Punishment for striking, etc., superior officer
- 2 Punishment for absence without leave in time of war.
- 3 Offences punishable under the Act
- 4 Provisions where offender has ceased to be subject to the Act.
- 5 Power to arrest offenders
- 6 Power to inflict dismissal in addition to imprisonment.
- 7 Officers having power to try offences

## SECTION

- 8 Place for holding courts-martial
- 9 Evidence of rank etc , of officers
- 10 Consecutive sentences of imprisonment
- 11 Power to suspend sentences
- 12 Change of place of confinement
- 13 Relations between military and naval forces acting together
- 14 Discipline on hired ships in time of war
- 15 Revival of parts of Naval Discipline Act
- 16 [Repealed ]
- 17 Short title

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*An Act to amend the Naval Discipline Act**[16th March, 1915 ]*

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

Punishment  
for striking  
etc., superior  
officer

1. A sentence of death shall not be passed on a person subject to the Naval Discipline Act<sup>1</sup> for striking or with any weapon attempting to strike or drawing or lifting up any weapon against his superior officer, and accordingly for section sixteen of that Act the following section shall be substituted —

Every person subject to this Act who shall strike or attempt to strike or draw or lift up any weapon against or use or attempt to use any violence against his superior officer, whether or not such superior officer is in the execution of his office shall be punished with penal servitude or such other punishment as is hereinafter mentioned

Punishment  
for absence  
without leave  
in time of  
war

2. The term of imprisonment or detention which may be imposed for absence without leave in time of war may exceed ten weeks and accordingly in section twenty three of the Naval Discipline Act<sup>1</sup> after the words shall be liable there shall be inserted the words 'in time of war to imprisonment or such other punishment as is hereinafter mentioned and at other times'

Offences  
punishable  
under the  
Act

3. In section forty six of the Naval Discipline Act which defines the cases in which offences are triable by court martial after the words in any arsenal barrack or hospital belonging to Her Majesty there shall be inserted the words or in any other premises held by or on

behalf of the Crown for naval or military purposes, or in any canteen or sailors' home or any place of recreation placed at the disposal of or used by officers or men of His Majesty's Navy which may be prescribed by the Admiralty "

**4.** After section forty-six of the Naval Discipline Act there shall be inserted the following section —

"46A. (1) Where an offence under this Act has been committed by any person while subject to this Act, such person may be taken into and kept in custody and tried and punished for such offence although he has ceased to be subject to this Act in like manner as he might have been taken into and kept in custody, tried, or punished if he had continued so subject

Provisions where offender has ceased to be subject to the Act

Provided that where a person has since the commission of an offence ceased to be subject to this Act, he shall not be tried for such offence, except in case of offences or mutiny or desertion, unless proceedings against him are instituted within three months after he has ceased to be subject to this Act, but this section shall not effect the jurisdiction of a civil court in the case of any offence triable by such court as well as by court-martial

(2) Where a person subject to this Act is sentenced under this Act to penal servitude, imprisonment, or detention, this Act shall apply to him during the term of his sentence notwithstanding that he is discharged or dismissed from His Majesty's Service, or has otherwise ceased to be subject to this Act, and he may be kept in custody, removed, imprisoned, made to undergo detention and punished accordingly, as if he had continued to be subject to this Act "

**5.** In section fifty of the Naval Discipline Act, which relates to the Power to arrest of offenders after the words "or the senior officer present at a port," there shall be inserted the words "or an officer having by virtue of sub-section (3) of section fifty-six of this Act power to try offences"

**6.** A sentence of imprisonment may be accompanied by a sentence that the prisoner be dismissed from His Majesty's service and accordingly at the end of paragraph (7) of section fifty-three of the Naval Discipline Act there shall be inserted the words "and may be accompanied with a sentence of dismissal from His Majesty's service"

**7.** (1) In paragraph (c) of sub-section (3) of section fifty-six of the Naval Discipline Act, which as respects certain persons confers on certain officers the powers of an officer commanding a ship with respect to the trial of offences, for the words "on shore on detached service" there shall be substituted the words "on detached service either on shore or

Officers having power to try offences

otherwise and in the same paragraph the words "on shore" where they last occur shall be repealed

(2) At the end of the same sub-section the following paragraph shall be inserted —

"(d) as respects persons subject to this Act quartered in naval barracks the officer in command of those barracks"

Place for holding courts-martial.

8 At the end of section fifty nine of the Naval Discipline Act which requires courts-martial to be held on board ship the following words shall be added unless the Admiralty or the officer who ordered the court martial in any particular case for reasons to be recorded on the proceedings otherwise direct in which case the court martial shall be held at a port at such convenient place on shore as the Admiralty or the officer who ordered the court martial may direct

Evidence of rank, etc. of officers.

9 The following section shall be inserted after section sixty nine of the Naval Discipline Act —

'69A A Navy List or Gazette purporting to be published by authority and either to be printed by a Government printer or to be issued by His Majesty's Stationery Office shall be evidence of the status and rank of the officers therein mentioned and of any appointment held by such officers until the contrary is proved'

Consecutive sentences of imprisonment.

10 In section seventy three of the Naval Discipline Act which relates to the power to impose consecutive sentences of imprisonment for the words passed upon him by a court martial for a former offence there shall be substituted the words 'passed upon him under this Act for a former offence'

Power to suspend sentences.

11 After section seventy four of the Naval Discipline Act the following section shall be inserted —

'74A Where a person has been sentenced to penal servitude or imprisonment or detention the Admiralty or officer who by virtue of sub-section (7) of section seventy four of this Act has power to issue an order of committal (hereinafter in this section referred to as the committing authority) may in lieu of issuing such an order order that the sentence be suspended until an order of committal is issued and in such case —

(a) Notwithstanding anything in this Act the term of the sentence shall not be reckoned as commencing until an order of committal is issued

(b) The case may at any time and shall at intervals of not less than three months be re-examined by the Admiralty or committing authority and if it appears to

reconsideration it appears to the Admiralty or committing authority that the conduct of the offender since his conviction has been such as to justify a remission of the sentence the Admiralty or committing authority shall remit the whole or any part of it,

- (c) The Admiralty or committing authority may at any time whilst the sentence is suspended issue an order of committal and thereupon the sentence shall cease to be suspended,
- (d) Where a person subject to this Act, whilst a sentence on him is so suspended, is sentenced to penal servitude or imprisonment or detention for any other offence then, if he is at any time committed either under the suspended sentence or under any such subsequent sentence, and whether or not any such subsequent sentence has also been suspended, the committing authority may direct that the two sentences shall run either concurrently or consecutively, so, however, as not to cause a person to undergo imprisonment or detention for a period exceeding the aggregate of two consecutive years, and where the sentence for such other offence is a sentence of penal servitude, then, whether or not that sentence is suspended, any previous sentence of imprisonment or detention which has been suspended shall be avoided "

**12.** In section seventy-five of the Naval Discipline Act which relates to the change of the place of confinement, for the words "any such commander-in-chief," there shall be substituted "the commander-in-chief or senior naval officer present" Change of place of confinement

**13** The following section shall be inserted in the Naval Discipline Act after section ninety — Relations between military and naval forces

"90A (I) Where an officer or non-commissioned officer, not below the rank of sergeant, is a member of a body of His Majesty's military forces acting with, or is attached to, any body of His Majesty's naval forces under such conditions as may be prescribed by regulations made by the Admiralty and Army Council, then for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's naval forces as aforesaid, be treated, and may exercise all such powers (other than powers of punishment), as if he were a naval officer or petty officer, as the case may be acting together

*The Naval Discipline Act 1915 [5 Geo 5, c 30]*  
*The Copyright (British Museum) Act [5 & 6 Geo 5, c 38]*  
*1915*

(2) Where any naval officer or seaman is a member of a body of His Majesty's naval forces acting with, or is attached to any body of His Majesty's military forces under such conditions as may be so prescribed as aforesaid then for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers the officers and non-commissioned officers not below the rank of sergeant of such military body shall in relation to him be treated and may exercise all such powers (other than powers of punishment) as if they were naval officers and petty officers

(3) The relative rank of naval and military officers, petty officers and non-commissioned officers shall for the purposes of this section be such as is provided by the King's Regulations and Admiralty Instructions for the time being in force'

Discipline on  
hired ships  
in time of  
war

14 At the end of paragraph (6) of section ninety of the Naval Discipline Act which relates to discipline upon hired ships in His Majesty's service in time of war there shall be inserted the words 'Provided that in the absence of the officer commanding such hired vessel the officer commanding the ship or vessel or station in which such person may for the time being be held in custody shall have such power as aforesaid'

Revival of  
parts of  
Naval Dis-  
cipline Act.

15 So much of the schedule to the Statute Law Revision Act 1893 as relates to the preamble to, and part of section eighty-six of the Naval Discipline Act shall cease to have and shall be deemed never to have had effect

16 [*Printing and construction of Naval Discipline Act—Rep 12  
§ 13 Geo 5, c 37 + 9 & Sch*] ]

Short title

17 This Act may be cited as the Naval Discipline Act 1915

*The Copyright (British Museum) Act, 1915*

(5 & 6 Geo 5, c 38)

*An Act to amend the Copyright Act 1911 with respect to the delivery of Books to the British Museum*

[19th May 1915]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

**5 & 6 Geo. 5, c. 38.] The Copyright (British Museum) Act, 1915.** +5

**5 & 6 Geo. 5, c. 39.] The Fugitive Offenders (Protected States) Act, 1915.**

Commons, in this present Parliament assembled, and by the authority of the same, as follows —

**1.** At the end of sub-section (1) of section fifteen of the Copyright Act, 1911<sup>1</sup>, which relates to the delivery of books to the British Museum, the following proviso shall be added —

Amendment  
of 1 and 2  
Geo. 5, c.  
46 s 15 (1)-

“Provided that the Board of Trade may, on the application of the Trustees of the British Museum, make regulations excepting from the provisions of this sub-section publications wholly or mainly in the nature of trade advertisements, or such classes of such publications as may be specified in the regulations, and thereupon it shall not be necessary for the publisher of any publication so excepted so to deliver the publication or for the trustees to give a receipt therefor, unless, as respects any particular publication, a written demand for the delivery thereof is made by the trustees. Every regulation under this proviso shall be laid before each House of Parliament as soon as may be after it is made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which the House has sat, praying that any such regulation may be annulled, His Majesty in Council may annul the regulation and it shall be thenceforth void, but without prejudice to the validity of anything previously done thereunder before the expiration of such period”

**2.** This Act may be cited as the Copyright (British Museum) Act, Short title— 1915, and the Copyright Act, 1911, and this Act may be cited together as the Copyright Acts, 1911 and 1915

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#### THE FUGITIVE OFFENDERS (PROTECTED STATES) ACT, 1915.

(5 & 6 Geo. 5, c. 39.)

*An Act to enable the Fugitive Offenders Act, 1881, to be extended to Protected States*

[19th May, 1915]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons,

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\* See Vol II of this publication.

in this present Parliament assembled and by the authority of the same as follows —

**1** It shall be lawful for His Majesty by Order in Council to direct that the Fugitive Offenders Act 1881<sup>1</sup> shall apply as if subject to the conditions exceptions and qualifications (if any) contained in the Order any place or group of places over which His Majesty extends his protection and which is named in the Order were a British possession, and to provide for the carrying into effect of such application

**2** This Act may be cited as the Fugitive Offenders (Protected States) Act 1915 and shall be construed as one with the Fugitive Offenders Act, 1881 and that Act and this Act shall be cited together as the Fugitive Offenders Acts 1881 and 1915

### THE MARRIAGE OF BRITISH SUBJECTS (FACILITIES) ACT 1915

(5 & 6 Geo 5, c 40)

*An Act to facilitate Marriages between British Subjects resident in the United Kingdom and British Subjects resident in other parts of His Majesty's Dominions or in British Protectorates*

[1911 May 1915]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follow —

**1** (1) Where His Majesty is satisfied that the law in force in any part of His Majesty's dominion outside the United Kingdom makes due provision for the publication of banns or for the giving of notice in respect of marriages between British subjects intended to be solemnized or contracted in the United Kingdom and for the recognition of certificate for marriage issued by superintendent registrar in England and of certificate of marriage issued by registrar and certificate of proclamation of bann in Scotland and of certificate for marriage issued by registrar in Ireland a sufficient notice in respect of marriage between British subject intended to be solemnized or contracted in that part of His Majesty's dominion His Majesty may by Order in Council declare that the section shall apply to that part of His dominion and in such case —

(i) where a marriage is intended to be solemnized or contracted in the United Kingdom between a British subject resident

Application  
of 44 and 45  
Vict. c. 69 to  
protected  
states.

Short title  
and con-  
struction

in England, Scotland, or Ireland and a British subject resident in that part of His Majesty's dominions, a certificate of the publication of banns or a certificate of notice of marriage issued in accordance with such law shall in England have the same effect as a certificate for marriage issued by a superintendent registrar, and in Scotland and Ireland have the same effect as a certificate for marriage issued by a registrar in Scotland and Ireland respectively; and

(b) where a marriage is intended to be solemnized or contracted in that part of His Majesty's dominions between a British subject resident in that part and a British subject resident in England, Scotland, or Ireland, a certificate for marriage may be issued in England by a superintendent registrar, or in Scotland or Ireland by a registrar, in the like manner as if the marriage was to be solemnized or contracted under circumstances requiring the issue of such a certificate, and as if both such British subjects were resident in England, Scotland, or Ireland, as the case may be

(2) For the purposes of this section the expression "certificate for marriage" in reference to certificates issued in Scotland shall mean a certificate of due publication of notice of intention to marry

(3) Nothing in this Act shall affect the existing law or practice relating to the proclamation of banns in Scotland or the issue of certificates of such proclamation

**2.** His Majesty may by Order in Council extend this Act to any Extension to British protectorate, and on the making of any such Order this Act shall, protectorates subject to the provisions of the Order, have effect as if the protectorate were part of His Majesty's dominions

**3.** This Act may be cited as the Marriage of British Subjects (Facilities) Act, 1915

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THE PRIZE COURTS ACT, 1915

(5 & 6 Geo. 5, c 57.)

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ARRANGEMENT OF SECTIONS

SECTION.

- 1 Power to transfer proceedings from one prize court to another
- 2 Power to make orders enforceable by other prize courts

## SECTION

- 3 Supplemental powers of prize courts
- 4 Salaries and remuneration of judges and officers of prize courts
- 5 Short title and construction

*An Act to amend the Enactments relating to Prize Courts*

[2nd July, 1915]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, as follows —

**Power to transfer proceeding from one prize court to another.** 1. (1) Where proceedings are pending in any prize court against any ship or cargo the court may at any stage of the proceedings on application being made by the Proper Officer of the Crown and upon being satisfied that the proceedings or the proceedings so far as they relate to the cargo or any part thereof would be more conveniently conducted in any other prize court make an order remitting the proceedings, or the proceedings so far as they relate to the cargo or to any part of the cargo, to such other prize court

(2) Where any proceedings have been remitted to another prize court that other court shall have the same jurisdiction to deal with the matter as if the subject matter of those proceedings had originally been seized within its jurisdiction or been brought within its jurisdiction after capture and any order or other steps made or taken in those proceedings before the order of remission shall be deemed to have been made or taken by or in that court

**Power to make orders enforceable by other prize courts.** 2. A prize court may as respects any cause or matter within its jurisdiction and on the application of the Proper Officer of the Crown declare that any order or decree made by it whether before or after the commencement of this Act is enforceable within the jurisdiction of another prize court and shall on the like application have power to enforce any decree or order which another prize court has declared to be enforceable within the jurisdiction of such first mentioned court

**Supplemental powers of prize courts.** 3 (1) Where a prize court under this Act orders the remission of any proceedings or declares that any order or decree is enforceable by another prize court the first mentioned court may order the subject matter of the proceedings or of the order or decree to be removed in such manner and subject to such conditions as the court thinks fit into the jurisdiction of the other court and where any such order of removal is made either court may direct that any expenses incurred in the removal shall be borne by the cargo or any part of the cargo or the ship in such manner as the court thinks proper

(2) For the purpose of the voyage of a ship from the jurisdiction of one court to that of another under such an order of removal, the ship, if not a British ship, shall be treated as if it were a British ship registered in the United Kingdom.

(3) The power of His Majesty in Council to make rules for regulating the procedure and practice of prize courts shall extend to making rules for carrying this Act into effect

(4) The powers conferred by this Act are without prejudice to any other powers which the High Court in England may possess for the like purposes independently of this Act, and to the obligation imposed on prize courts by section nine of the Naval Prize Act, 1864<sup>1</sup>

**4.** (1) The power conferred by section ten of the Naval Prize Act, Salaries and 1864, to grant salaries in lieu of fees to judges of prize courts shall be remuneration of judges and officers of extended so as also to confer a power of granting a remuneration by officers of way of a lump sum, and, as so extended, shall, notwithstanding any- prize courts thing in any other enactment, apply also to officers of prize courts or performing duties in connection with matters of prize

Provided that the powers under that section or this section shall not be exercised as respects any prize court in India except on the application of the Governor General of India in Council, or as respects any prize court in the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, or Newfoundland, except on the application of the Governor General or of the Governor in Council, as the case may be

(2) This section shall be deemed to have had effect since the commencement of the present war

5. This Act may be cited as the Prize Courts Act, 1915, and shall be construed as one with the Naval Prize Act, 1864, and the Naval Prize Acts, 1864 to 1914, and the Prize Courts (Egypt, Zanzibar and Cyprus) Act, 1914, and this Act may be cited together as the Naval Prize Acts, 1864 to 1915

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**THE ARMY (AMENDMENT) NO 2 ACT, 1915**

**(5 & 6 Geo. 5, c. 58.)**

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**ARRANGEMENT OF SECTIONS**

**SECTION**

- 1 Provisions as to separation allowances
- 2 Amendment of s 108 A (3) (d) of Army Act

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, <sup>1</sup> See Vol. I of this publication.

SECTION

- 3 Amendment of s 121 (2) of Army Act
- 4 Amendment of s 145 (2) of Army Act
- 5 Explanation of s 154 of Army Act
- 6 Amendment of s 156 (1) of Army Act
- 7 Amendment of s 190 (27) of Army Act
- 8 Amendments consequential on 4 & 5 Geo 5 c 26
- 9 Short title

SCHEDULE

*An Act to amend the Army Act*

[*2nd July 1915*]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

Provisions  
of separation  
allowances.

1. (1) Section one hundred and forty-one of the Army Act<sup>1</sup> (which prohibits the assignment of pay and other allowances) shall extend to allowances to wives and dependents of officers and soldiers and accordingly in that section immediately before the word "widow" there shall be inserted the word "wife" and for the word "relative" there shall be substituted the word "dependant".

(2) Sub-section (9) of section one hundred and fifty-six of the Army Act (which restricts the pledging of identity certificates and life certificates by persons entitled to military pensions, pay and bounty) shall extend to separations or other allowances and reliefs and accordingly in that sub-section after the word "bounty" wherever it occurs there shall be inserted the words "allowance or relief".

Amendment  
of s. 1083 (A)  
(d) of Army  
Act.

2. In paragraph (d) of sub-section (3) of section 108A of the Army Act (which relate to billeting in case of emergency) for the words and paragraph (2) of Part II of the Second Schedule to the Army Act<sup>1</sup> there shall be substituted so much of paragraph (2) of Part I of the Second Schedule to this Act as limit the period during which meal are required to be furnished and paragraph (2) of Part II of that Schedule.

Amendment  
of s. 191 (7)  
of Army A. 1

3. In paragraph (2) of section one hundred and twenty-one of the Army Act (which relates to fraudulent claim for carriage animals etc.) after the words "have he had a billeted" there shall be inserted the word "or personates or represents him self to be a person authorised to act in the purchase or hire for the purpose of His Majesty's military service of any carriage animal or aircraft and forage or the

• 4. Sub-section (2) of section one hundred and forty-five of the Army Act (which relates to the liability to a soldier to maintain his wife and children) shall be repealed from the words "the Army Council or officer shall order" to the end of the sub-section, and in lieu thereof there shall be substituted the following provision —

Amendment  
of s. 145 (2)  
of Army Act

"the Army Council or officer shall order to be deducted from the daily pay of the soldier, and to be appropriated in liquidation of the sum adjudged to be paid by such order or decree, or towards the maintenance of wife or children of the soldier, as the case may be, in such manner as the Army Council or officer think or thinks fit, a portion of such daily pay not exceeding—

where the soldier is a warrant officer (Class I) not holding an honorary commission—in respect of wife and children, one shilling and six pence, and in respect of a bastard child, one shilling,

where the soldier is a warrant officer (Class II) not holding an honorary commission, or a non-commissioned officer who is not below the rank of sergeant—in respect of a wife or children one shilling, and in respect of a bastard child, seven pence,

in the case of any other soldier—in respect of a wife or children, six pence, and in respect of a bastard child, four pence "

5. For removing any doubt it is hereby declared that section one hundred and fifty-four of the Army Act (which relates to the apprehension of deserters) applies to absentees without leave, and accordingly in that section, after the word "deserters," there shall be inserted the words "and absentees without leave," and after the word "deserter," wherever it occurs, there shall be inserted the words "or absentee without leave"

Explanation  
of s. 154 of  
Army Act

6. In sub-section (1) of section one hundred and fifty-six of the Army Act (which relates to the acquisition from soldiers of military equipment, stores, and other things), for the words "a soldier" and "any soldier," wherever they occur in that sub-section, there shall be substituted the words "an officer or soldier."

Amendment  
of s. 156 (1)  
of Army Act

7. In paragraph (27) of section one hundred and ninety of the Army Act, for the words "The expression 'Governor' as respects the presidency of Bengal means the Governor General of India in Council and as respects the presidencies of Madras and Bombay means the Governor in Council of the presidency" there shall be substituted the words "The

Amendment  
of s. 190 (27)  
of Army Act

<sup>1</sup> This section is virt. rep. see 6, Geo. 5, c. 5, s. 4, *infra*.

expression 'Governor' as respects any presidency in India means the Governor in Council of the presidency."

Amendments  
to consequen-  
tial on 4 and  
5 Geo. 5 c.  
26.

**8** The amendment mentioned in the Schedule to this Act, being amendments consequential on the Army (Supply of Food Forage and Stores) Act, 1914 shall be made in the Army Act

Short title.

**9** This Act may be cited as the Army (Amendment) No 2 Act, 1915

Section 8.

SCHEDULE

AMENDMENTS CONSEQUENTIAL ON THE ARMY (SUPPLY OF FOOD, FORAGE,  
AND STORES) ACT 1914

Provision of Army Act to be amended.	Amendment to be made
Section 31 (1), (7) and (8)	<p>For the words "vessels or aircraft" wherever they occur there shall be substituted the words "vessels, aircraft, food, forage or stores."</p> <p>For the words "vessel or aircraft" wherever they occur there shall be substituted the words "vessel, aircraft, food, forage or stores."</p>
Section 115 (3)	<p>For the words "carriages, animals, vessels, and aircraft" there shall be substituted the words "carriages, animals, vessels, aircraft, food, forage and stores in like manner in all respects as they apply to carriages."</p>
Section 115 (4)	<p>For the words "carriages, animals, vessels and aircraft" there shall be substituted the word "articles."</p> <p>For the words "carriages, animals, vessel or aircraft" wherever they occur there shall be substituted the word "articles."</p> <p>For the words "through which it travelled" there shall be substituted the words "through which it travelled or was carried."</p>

Provision of Army Act to be amended	Amendment to be made
Section 115 (6) . . .	<p>For the words "vessel and aircraft" where they first occur there shall be substituted the words "vessels, aircraft, food, forage, and stores"</p> <p>For the words "to demand carriages, animals, vessels, and aircraft" there shall be substituted the words "to make such demand"</p>
Section 115 (7) . . .	<p>For the words "vessels and aircraft" there shall be substituted the words "vessels, aircraft, food, forage and stores"</p>
Section 115 (8) . . .	<p>For the words "carriages, animals, vessels, or aircraft" there shall be substituted the word "articles"</p> <p>For the words "a carriage, animal, vessel, or aircraft" there shall be substituted the words "any such article."</p> <p>For the words "the said carriage, animal, vessel, or aircraft" there shall be substituted the words "the article requisitioned"</p>
Section 115 (9) . . .	<p>For the words "vessel and aircraft" there shall be substituted the words "vessels, aircraft, food, forage, and stores"</p>
Section 116 (1) . . .	<p>For the words "vessels or aircraft" there shall be substituted the words "vessel, aircraft, food, forage, or stores"</p>
Section 116 (2) and (3)	<p>For the words "carriage, animal vessel, or aircraft" wherever they occur there shall be substituted the words "such article"</p>
Section 117 . . . .	<p>For the words "a carriage, animal, vessel, or aircraft," "any carriage, animal, vessel, or aircraft," and "carriages, animals, vessels or aircraft," there shall respectively be substituted the words "any article"</p>
Section 119 (1) (b) . . . .	<p>For the words "owner or driver" there shall be substituted the words "owner of any article or the person in charge."</p>
Section 121 (2) . . . .	<p>For the words "vessel or aircraft" there shall be substituted the words "vessel, aircraft, food, forage, or stores"</p>

## THE GOVERNMENT OF INDIA ACT

5 &amp; 6 Geo 5, c 61, as amended by subsequent Statutes

## ARRANGEMENT OF SECTIONS

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*The Crown*

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- 5 Duties of Council
- 6 Powers of Council
- 7 President and vice-president of Council
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- 13 Omitted
- 14 Omitted
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19 Military Appointments

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19A Relaxation of control of Secretary of State.

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- 22 Application of revenues to military operations beyond the frontier
- 23 Accounts of Secretary of State with Bank
- 24. Powers of attorney for sale or purchase of stock and receipt of dividends
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*An Act to consolidate enactments relating to the government of India*

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled and by the authority of the same as follows —

**PART I****HOME GOVERNMENT***The Crown*

<sup>22</sup> c. 106. 1. The territories for the time being vested in His Majesty in India <sup>Governor of India b</sup> are governed by and in the name of His Majesty the King Emperor of th Crown India and all rights which if the Government of India Act, 1858 had not been passed might have been exercised by the East India Company in relation to any territories may be exercised by and in the name of His Majesty as rights incidental to the government of India

*The Secretary of State*

2. (1) Subject to the provisions of this Act the Secretary of State <sup>The Secret</sup> has and performs all such or the like powers and duties relating to the <sup>of State</sup> government or revenues of India and has all such or the like powers over all officers appointed or continued under this Act as if the Government of India Act 1858 had not been passed might or should have been exercised or performed by the East India Company or by the Court of Directors or Court of Proprietors of that Company <sup>or alone or by</sup> or approbation <sup>Commissioners</sup> that govern <sup>revenues</sup> company as <sup>such powers</sup> might have been <sup>id Committee,</sup>

(2) In particular of this Act [or not] all acts operations revenues of India and all other payme

\* (3) The salary provided by Parliament and other expenses of India or out of the

<sup>These words were in</sup>  
Am 12 19 19 & 16 Geo 5  
<sup>\* The subscription wa</sup>

*The Council of India.*

3. (1) The Council of India shall consist of such number of members, <sup>of India.</sup> not less than <sup>1</sup>{eight} and not more than <sup>2</sup>{twelve}, as the Secretary of State may determine.

<sup>2</sup>[Provided that the Council as constituted at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision.]

(2) The right of filling any vacancy in the Council shall be vested in the Secretary of State.

(3) Unless at the time of an appointment to fill a vacancy in the Council <sup>one-half</sup> of the then existing members of the Council are persons who have served or resided in <sup>3</sup>] India for at least ten years, and have not last left <sup>4</sup>] India more than five years before the date of their appointment, the person appointed to fill the vacancy must be so qualified.

(4) Every member of the Council shall hold office except as by this section provided, for a term of <sup>5</sup>{five} years.

[Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall be the same as though that Act had not been passed.]

(5) The Secretary of State may, for special reasons of public advantage, re-appoint for a further term of five years any member of the Council whose term of office has expired. In any such case the reasons for the re-appointment shall be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament. Save as aforesaid, a member of the Council shall not be capable of re-appointment.

(6) Any member of the Council may, by writing signed by him, resign his office. The instrument of resignation shall be recorded in the minutes of the Council.

<sup>1</sup> The words "eight" and "twelve" were substituted for the words "ten" and "fourteen" respectively by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

<sup>2</sup> This proviso was added by *ibid*.

<sup>3</sup> The word "one-half" was substituted for the word "nine" by *ibid*.

<sup>4</sup> The word "British" was omitted by *ibid*.

<sup>5</sup> The word "British" was omitted by Sch I of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37).

<sup>6</sup> The word "five" was substituted for the word "seven" by Part II of Sch II of the Government of India Act 1919 (9 & 10 Geo 5, c 101).

<sup>7</sup> This proviso was inserted by *ibid*.

*in Act to consolidate enactments relating to the government of India*

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

## PART I

### HOME GOVERNMENT

#### *The Crown*

1. The territories for the time being vested in His Majesty in India<sup>of</sup> are governed by and in the name of His Majesty the King, Emperor of the<sup>c</sup> India and all rights which, if the Government of India Act 1858 had not been passed might have been exercised by the East India Company in relation to any territories may be exercised by and in the name of His Majesty as rights incidental to the government of India

21 & 22  
Vicet. c. 100.

#### *The Secretary of State*

2. (1) Subject to the provisions of this Act the Secretary of State<sup>Th</sup> has and performs all such or the like powers and duties relating to the government or revenues of India and has all such or the like powers over all officers appointed or continued under this Act as if the Government of India Act 1858 had not been passed might or should have been exercised or performed by the East India Company or by the Court of Directors or Court of Proprietors of that Company either alone or by the direction or with the sanction or approbation of the Commissioners for the Affairs of India in relation to that government or the revenues and the officers and servants of that Company and also all such powers as might have been exercised by the said Commissioners alone

41 & 42  
Vicet. c. 100.

(2) In particular the Secretary of State may subject to the provisions of this Act [or rules made thereunder], superintend direct and control all acts operations and concerns which relate to the government or revenues of India and all grants of salaries, gratuities and allowances and all other payments and charges out of or on the revenues of India

\* (3) The salary of the Secretary of State shall be paid out of moneys provided by Parliament and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenues of India or out of moneys provided by Parliament.]

Three words were inserted by Part II of the II of the Government of India Act 1911 (P & C O No 8 & 101)  
The insertion was effected by I

*The Council of India.*

3. (1) The Council of India shall consist of such number of members, <sup>The Council of India.</sup> not less than [eight] and not more than [twelve], as the Secretary of State may determine:

[Provided that the Council as constituted at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision.]

(2) The right of filling any vacancy in the Council shall be vested in the Secretary of State.

(3) Unless at the time of an appointment to fill a vacancy in the Council [one-half] of the then existing members of the Council are persons who have served or resided in [\*] India for at least ten years, and have not last left [\*] India more than five years before the date of their appointment, the person appointed to fill the vacancy must be so qualified.

(4) Every member of the Council shall hold office except as by this section provided, for a term of [five] years.

[Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall be the same as though that Act had not been passed.]

(5) The Secretary of State may, for special reasons of public advantage, re-appoint for a further term of five years any member of the Council whose term of office has expired. In any such case the reasons for the re-appointment shall be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament. Save as aforesaid, a member of the Council shall not be capable of re-appointment.

(6) Any member of the Council may, by writing signed by him, resign his office. The instrument of resignation shall be recorded in the minutes of the Council.

<sup>1</sup> The words "eight" and "twelve" were substituted for the words "ten" and "fourteen" respectively by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

<sup>2</sup> This proviso was added by *ibid*.

<sup>3</sup> The word "one-half" was substituted for the word "nine" by *ibid*.

<sup>4</sup> The word "British" was omitted by *ibid*.

<sup>5</sup> The word "British" was omitted by Sch I of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37).

<sup>6</sup> The word "five" was substituted for the word "seven" by Part II of Sch II of the Government of India Act 1919 (9 & 10 Geo 5, c 101).

<sup>7</sup> This proviso was inserted by *ibid*.

*An Act to consolidate enactments relating to the government of India*

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same, as follows —

**PART I****HOME GOVERNMENT***The Crown*

**L.** The territories for the time being vested in His Majesty in India <sup>of</sup> are governed by and in the name of His Majesty the King Emperor of the C  
 21 & 22 Vict., c. 106.  
 India and all rights which if the Government of India Act 1858 had not been passed might have been exercised by the East India Company in relation to any territories may be exercised by and in the name of His Majesty as rights incidental to the government of India

*The Secretary of State*

**2. (1)** Subject to the provisions of this Act the Secretary of State <sup>Th</sup> <sup>21</sup> has and performs all such or the like powers and duties relating to the government or revenues of India and has all such or the like powers over all officers appointed or continued under this Act as if the Government of India Act 1858 had not been passed might or should have been exercised or performed by the East India Company or by the Court of Directors or Court of Proprietors of that Company either alone or by the direction or with the sanction or approbation of the Commissioners for the Affairs of India in relation to that government or those revenues and the officers and servants of that Company and also all such powers as might have been exercised by the said Commissioners alone

**(2)** In particular the Secretary of State may subject to the provisions of this Act [or rules made thereunder] superintend direct and control all acts, operations and concerns which relate to the government or revenues of India and all grants of salaries, gratuities and allowances and all other payments and charges out of or on the revenues of India

**\* [(3) The salary of the Secretary of State shall be paid out of monies provided by Parliament and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenues of India or out of monies provided by Parliament.]**

These words were inserted by Part II of the II of the Government of India Act 1872 (2 & 10 Geo 5 c. 101).

\* This section was substituted by 1873.

*The Council of India.*

3. (1) The Council of India shall consist of such number of members, not less than <sup>1</sup>[eight] and not more than <sup>1</sup>[twelve], as the Secretary of State may determine.

<sup>2</sup>[Provided that the Council as constituted at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision ]

(2) The right of filling any vacancy in the Council shall be vested in the Secretary of State.

(3) Unless at the time of an appointment to fill a vacancy in the Council <sup>3</sup>[one-half] of the then existing members of the Council are persons who have served or resided in <sup>4</sup>[\*] India for at least ten years, and have not last left <sup>4</sup>[\*] India more than five years before the date of their appointment, the person appointed to fill the vacancy must be so qualified

(4) Every member of the Council shall hold office except as by this section provided, for a term of <sup>5</sup>[five] years.

<sup>6</sup>[Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall be the same as though that Act had not been passed ]

(5) The Secretary of State may, for special reasons of public advantage, re-appoint for a further term of five years any member of the Council whose term of office has expired. In any such case the reasons for the re-appointment shall be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament. Save as aforesaid, a member of the Council shall not be capable of re-appointment

(6) Any member of the Council may, by writing signed by him, resign his office. The instrument of resignation shall be recorded in the minutes of the Council

<sup>1</sup> The words "eight" and "twelve" were substituted for the words "ten" and "fourteen" respectively by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> This proviso was added by *ibid*

<sup>3</sup> The word "one-half" was substituted for the word "nine" by *ibid*

<sup>4</sup> The word "British" was omitted by *ibid*

<sup>5</sup> The word "British" was omitted by Sch I of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37)

<sup>6</sup> The word "five" was substituted for the word "seven" by Part II of Sch II of the Government of India Act 1919 (9 & 10 Geo 5, c 101)

<sup>7</sup> This proviso was inserted by *ibid*

(7) Any member of the Council may be removed by His Majesty from his office on an address of both Houses of Parliament

<sup>1</sup>[(8) There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds]

Provided that any member of the Council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds.

Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament

(9) Notwithstanding anything in any Act or rule where any person in the service of the Crown in India is appointed a member of the Council before the completion of the period of such service required to entitle him to a pension or annuity his service as such member shall for the purpose of any pension or annuity which would have been payable to him on completion of such period be reckoned as service under the Crown in India whilst resident in India.]

**4** No member of the Council of India shall be capable of sitting or voting in Parliament

5 The Council of India shall under the direction of the Secretary of State and subject to the provisions of this Act conduct the business transacted in the United Kingdom in relation to the government of India and the correspondence with India.

22      23      24      25      26      27      28

**G (1)** All powers required to be exercised by the Secretary of State in Council and all powers of the Council of India shall be exercised at meetings of the Council at which [such number of members are present as may be prescribed by general directions of the Secretary of State]

(2) The Council may act notwithstanding any vacancy in their number.

President and vice-president of India, with power to vote of Council.

(2) The Secretary of State in Council may appoint any member of the Council to be vice-president thereof and the Secretary of State may at any time remove any person so appointed.

<sup>1</sup> Both sections (5) and (7) of section 3 were substituted for and subsection (6) by 1st H.L. 3rd H.C. 31 of the Instrument of Incorporation of L.R.A. & T.D.L.R.A. (See 6 & 11).  
The remaining words were not used by 1st H.L.  
These are to be substituted for the words "the & how the five members are  
to be elected".

(3) At every meeting of the Council the Secretary of State, or, in his absence, the vice-president, if present, or, in the absence of both of them, one of the members of the Council, chosen by the members present at the meeting, shall preside.

8. Meetings of the Council of India shall be convened and held as Meetings of and when the Secretary of State directs, but one such meeting at least Council shall be held in every <sup>1</sup>[month].

9. (1) At any meeting of the Council of India at which the Secretary Procedure at of State is present, if there is a difference of opinion on any question, meetings. except a question with respect to which a majority of votes at a meeting is by this Act declared to be necessary, the determination of the Secretary of State shall be final

(2) In case of an equality of votes at any meeting of the Council, the person presiding at the meeting shall have a second or casting vote

(3) All acts done at a meeting of the Council in the absence of the Secretary of State shall require the approval in writing of the Secretary of State.

(4) In case of difference of opinion on any question decided at a meeting of the Council, the Secretary of State may require that his opinion and the reasons for it be entered in the minutes of the proceedings, and any member of the Council, who has been present at the meeting, may require that his opinion, and any reasons for it that he has stated at the meeting, be also entered in like manner

10. The Secretary of State may constitute committees of the Council Committees of India for the more convenient transaction of business; and direct what of Council departments of business are to be under those committees respectively, and generally direct the manner in which <sup>2</sup>[the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council]

#### *Orders and Communications*

<sup>3</sup>[11. Subject to the provisions of this Act, the procedure for the sending of orders and communications to India and in general for correspondence between the Secretary of State and the Governor-General in Correspondence between Secretary of State and India

<sup>1</sup> The word "month" was substituted for the word "week" by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> These words were substituted for the words "all business of the Council or Committees thereof is to be transferred" by *ibid*

<sup>3</sup> Section 11 was substituted for old Sections 11 to 14 by Part I of Sch II, *ibid*.

Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council ]

12 }  
13 } 1 Omitted  
14 }

Communication to Parliament as to orders for commanding hostilities.

15 When any order is sent to India directing the actual commencement of hostilities by His Majesty's forces in India the fact of the order having been sent shall unless the order has in the meantime been revoked or suspended be communicated to both Houses of Parliament within three months after the sending of the order or if Parliament is not sitting at the expiration of those three months, then within one month after the next meeting of Parliament

16 [Correspondence by Governor-General with Secretary of State] Omitted by Part III of Sch II of 9 & 10 Geo v c 101

#### *Establishment of Secretary of State*

Establishment of Secretary of State

17 (1) No addition may be made to the establishment of the Secretary of State in Council nor to the salaries of the persons on that establishment except by an Order of His Majesty in Council to be laid before both Houses of Parliament within fourteen days after the making thereof or if Parliament is not then sitting then within fourteen days after the next meeting of Parliament

(2) The rules made by His Majesty for examinations certificates probation or other tests of fitness in relation to appointments to junior situations in the civil service shall apply to such appointments on the said establishment

(3) The Secretary of State in Council may subject to the foregoing provisions of this section make all appointment to and promotion in the said establishment and may remove any officer or servant belonging to the establishment

On vacant  
gratuity

18 His Majesty may by warrant under the Royal Sign Manual countersigned by the Chancellor of the Exchequer grant to any secretary officer or servant appointed on the establishment of the Secretary of State in Council such compensation upon annuity or a living allowance as to his legal personal representative such gratuity as may be paid by be granted to person on the establishment of a Secretary of State or the personal representatives of such person under the law of the time being in force concerning superannuation and shall all wages of person having full civil office in the public service or to person representing of such person

*Military Appointments.*

19. <sup>1</sup>(1) The Commander-in-Chief of His Majesty's forces in India is appointed by His Majesty by warrant under the Royal Sign Manual

Military appointments,

<sup>(2)</sup>\* \* \* \* In the appointment of officers to His Majesty's army the same provision as heretofore, or equal provision, shall be made for the appointment of sons of persons who have served in India in the military or civil service of the Crown or of the East India Company

*Relaxation of Control of Secretary of State*

<sup>3</sup>[19A. The Secretary of State in Council may, notwithstanding anything in this Act, by rule regulate and restrict the exercise of the powers of superintendence, direction and control vested in the Secretary of State and the Secretary of State in Council by this Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of the Government of India Act, 1919]

Relaxation of  
control of  
Secretary of  
State

Before any rules are made under this section relating to subjects other than transferred subjects, the rules proposed to be made shall be laid in draft before both Houses of Parliament, and such rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved, and such rules on being so made shall be of full force and effect

Any rules relating to transferred subjects made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder ]

## PART II

## THE REVENUES OF INDIA

20. (1) The revenues of India shall be received for and in the name of His Majesty, and shall, subject to the provisions of this Act, be applied for the purposes of the government of India alone

Application  
of revenues.

<sup>1</sup> Sub-section (1) was inserted by s 3 of the Government of India (Leave of Absence) Act, 1924 (14 & 15 Geo 5, c 28)

<sup>2</sup> Certain words were omitted by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>3</sup> Section 19A was inserted by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council ]

12 }  
 13 }  
 14 }  
 1 Omitted

Communication to Parliament as to orders for commencing hostilities.

15 When any order is sent to India directing the actual commencement of hostilities by His Majesty's forces in India the fact of the order having been sent shall unless the order has in the meantime been revoked or suspended be communicated to both Houses of Parliament within three months after the sending of the order or if Parliament is not sitting at the expiration of those three months then within one month after the next meeting of Parliament

16 [Correspondence by Governor-General with Secretary of State]  
 Omitted by Part III of Sch II of 9 & 10 Geo v c 101

#### *Establishment of Secretary of State*

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(2) The rule made by His Majesty for examinations certificates probation or other tests of fitness in relation to appointment to junior situations in the civil service shall apply to such appointments on the said establishment

(3) The Secretary of State in Council may subject to the foregoing provision of this section make all appointment to and promotion in the said establishment and may remove any officer or servant belonging to the establishment

18 His Majesty may by warrant under the Royal Sign Manual counter signed by the Chancellor of the Exchequer grant to any secretary officer or servant appointed on the establishment of the Secretary of State in Council such compensation upon annuity or retiring allowance or to his legal personal representative such gratuity as may be properly granted to a person on the establishment of a Secretary of State or in the personal representative of such person under the law for the time being in force concerning upon annuity and other allowances to persons having civil office in the public service of the United Kingdom or in the colonies.

THE GOVERNMENT OF INDIA ACT, 1858.

*Military Appointments*

19. <sup>1</sup>(1) The Commander-in-Chief of His Majesty's forces in India <sup>Military appointments</sup> is appointed by His Majesty by warrant under the Royal Sign Manual

<sup>2</sup>(2) \* \* \* \* In the appointment of officers to His Majesty's army the same provision as heretofore, or equal provision, shall be made for the appointment of sons of persons who have served in India in the military or civil service of the Crown or of the East India Company.

*Relaxation of Control of Secretary of State*

[<sup>3</sup>19A. The Secretary of State in Council may, notwithstanding anything in this Act, by rule regulate and restrict the exercise of the powers of superintendence, direction and control vested in the Secretary of State and the Secretary of State in Council by this Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of the Government of India Act, 1919]

Relaxation of control of Secretary of State

Before any rules are made under this section relating to subjects other than transferred subjects, the rules proposed to be made shall be laid in draft before both Houses of Parliament, and such rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved, and such rules on being so made shall be of full force and effect

Any rules relating to transferred subjects made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder ]

**PART II****THE REVENUES OF INDIA**

20. (1) The revenues of India shall be received for and in the name of His Majesty, and shall, subject to the provisions of this Act, be applied for the purposes of the government of India alone

<sup>1</sup> Sub-section (1) was inserted by s. 3 of the Government of India (Leave of Absence) Act, 1924 (14 & 15 Geo. 5, c. 28).

<sup>2</sup> Certain words were omitted by Part II of Sch. II of the Government of India Act, 1919 (9 & 10 Geo. 5, c. 101).

<sup>3</sup> Section 19A was inserted by Part I of Sch. II of the Government of India Act, 1919 (9 & 10 Geo. 5, c. 101).

(2) There shall be charged on the revenues of India alone—

- (a) all the debts of the East India Company and
- (b) all sums of money costs, charges and expenses which, if the Government of India Act 1858 had not been passed would have been payable by the East India Company out of the revenues of India in respect of any treaties, covenants contracts grants or liabilities existing at the commencement of that Act and
- (c) all expenses debts and liabilities lawfully contracted and incurred on account of the government of India and
- (d) all payments under this Act [except so far as is otherwise provided under this Act]

(3) The expression 'the revenues of India' in this Act shall include all the territorial and other revenues of or arising in British India and in particular—

- (i) all tributes and other payments in respect of any territories which would have been receivable by or in the name of the East India Company if the Government of India Act 1858 had not been passed and
- (ii) all fines and penalties incurred by the sentence or order of any court of justice in British India and all forfeitures for crimes of any movable or immovable property in British India and
- (iii) all movable or immovable property in British India escheating at lapsing for want of an heir or successor and all property in British India devolving as *bona vacantia* for want of a rightful owner

(4) All property vested in, or arising or accruing from property or rights vested in His Majesty under the Government of India Act 1858 or this Act or to be received or disposed of by the Secretary of State in Council under this Act shall be applied in aid of the revenues of India.

*Control of  
Territory of  
State or  
territory  
over*

21. [Subject to the provisions of this Act and rules made thereunder] the expenditure of the revenues of India both in British India and elsewhere shall be subject to the control of the Secretary of State in Council and no grant or appropriation of any part of the revenue or of any other property coming into the possession of the secretaries of State in Council by virtue of the Government of India Act 1858 or this Act shall be made without the concurrence of a majority of a meeting of the Council of India.

<sup>1</sup>[Provided that a grant or appropriation made in accordance with provisions or restrictions prescribed by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council shall be deemed to be made with the concurrence of a majority of such votes.]

22. Except for preventing or repelling actual invasion of His Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defraying the expenses of any military operations carried on beyond the external frontiers of those possessions by His Majesty's forces charged upon those revenues

**23.** (1) Such parts of the revenues of India as are remitted to the United Kingdom, and all money arising or accruing in the United Kingdom from any property or rights vested in His Majesty for the purposes of the Government of India, or from the sale or disposal thereof shall be paid to the Secretary of State in Council to be applied for the purposes of this Act

(2) All such revenues and money shall, except as by this section is provided, be paid into the Bank of England to the credit of an account entitled "The Account of the Secretary of State in Council of India"

(3) The money placed to the credit of that account shall be paid out on drafts or orders, either signed by two members of the Council of India and countersigned by the Secretary of State or one of his Under-secretaries or his Assistant Under-secretary, or signed by the Accountant-General on the establishment of the Secretary of State in Council or by one of the two senior clerks in the department of that Accountant-General and countersigned in such manner as the Secretary of State in Council directs, and any draft or order so signed and countersigned shall effectually discharge the Bank of England for all money paid thereon.

(4) The Secretary of State in Council may, for the payment of current demands, keep at the Bank of England such accounts as he deems expedient and every such account shall be kept in such name and be drawn upon by such person, and in such manner, as the Secretary of State in Council directs

(5) There shall be raised in the books of the Bank of England such accounts as may be necessary in respect of stock vested in the Secretary of State in Council, and every such account shall be entitled "The Stock Account of the Secretary of State in Council of India "

(6) Every account referred to in this section shall be a public account

**24** The Secretary of State in Council, by power of attorney executed Powers of attorney for  
by two members of the Council of India and countersigned by the Secre- sale or pur-

<sup>1</sup> These words were added by Sch J of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c. 37)

chase of stock tary of State or one of his Under-secretaries or his Assistant Under-  
and receipt of dividends, may authorise all or any of the cashiers of the Bank of  
England—

- (a) to sell and transfer all or any part of any stock standing in  
the books of the Bank to the account of the Secretary of  
State in Council and
- (b) to purchase and accept stock for any such account and
- (c) to receive dividends on any stock standing to any such  
account

and, by any writing signed by two members of the Council of India and  
countersigned as aforesaid may direct the application of the money to  
be received in respect of any such sale or dividend

Provided that stock shall not be purchased or sold and transferred  
under the authority of any such general power of attorney except on  
an order in writing directed to the chief cashier and chief accountant  
of the Bank of England and signed and countersigned as aforesaid

**Provision as  
to securities.**

25 All securities held by or lodged with the Bank of England in  
trust for or on account or on behalf of the Secretary of State in Council  
may be disposed of and the proceeds thereof may be applied as may be  
authorised by order in writing signed by two members of the Council of  
India and countersigned by the Secretary of State or one of his Under  
secretaries or his Assistant Under-secretary and directed to the chief  
cashier and chief accountant of the Bank of England

**Accounts to  
be annually  
laid before  
Parliament.**

26 (1) The Secretary of State in Council shall within the first  
[twenty-eight days] during which Parliament is sitting next after the  
first day of May in every year lay before both Houses of Parliament—

- (a) an account for the financial year preceding that last com-  
pleted of the annual produce of the revenues of India  
distinguishing the same under the respective heads thereof  
in each of the several provinces and of all the annual re-  
ceipt and disbursements at home and abroad for the pur-  
poses of the Government of India distinguishing the same  
under the respective heads thereof
- (b) the latest estimate of the same for the financial year last  
completed
- (c) accounts of all stock laid down and liability chargeable  
on the revenues of India at home and abroad at the con-  
clusion and close of the financial year preceding that  
last completed the last estimate that will be made up to

cured within that year, the amounts paid off or discharged during that year, the rates of interests borne by those loans, debts and liabilities respectively, and the annual amount of that interest,

<sup>1</sup>(d) \*

\* \* \* \*

(e) a list of the establishment of the Secretary of State in Council, and the salaries and allowances payable in respect thereof

(2) If any new or increased salary or pension of fifty pounds a year or upwards has been granted or created within any year in respect of the said establishment, the particulars thereof shall be specially stated and explained at the foot of the account for that year

(3) The account shall be accompanied by a statement, prepared from detailed reports from each province, in such form as best exhibits the moral and material progress and condition of India

**27.** (1) His Majesty may, by warrant under His Royal Sign Manual, countersigned by the Chancellor of the Exchequer, appoint a fit person to be auditor of the accounts of the Secretary of State in Council, and authorise that auditor to appoint and remove such assistants as may be specified in the warrant

Audit of  
Indian  
accounts in  
United  
Kingdom

(2) The auditor shall examine and audit the accounts of the receipt, expenditure and disposal in the United Kingdom of all money, stores and property applicable for the purposes of this Act

(3) The Secretary of State in Council shall, by the officers and servants of his establishment, produce and lay before the auditor all such accounts, accompanied by proper vouchers for their support, and submit to his inspection all books, papers and writings having relation thereto

(4) The auditor may examine all such officers and servants of that establishment, being in the United Kingdom, as he thinks fit, in relation to such accounts and the receipt, expenditure or disposal of such money, stores and property, and may for that purpose, by writing signed by him, summon before him any such officer or servant

(5) The auditor shall report to the Secretary of State in Council his approval or disapproval of the accounts aforesaid, with such remarks and observations in relation thereto, as he thinks fit, specially noting cases (if any) in which it appears to him that any money arising out of the revenues of India has been appropriated to purposes other than those to which they are applicable

(6) The auditor shall specify in detail in his reports all sums of money, stores and property which ought to be accounted for, and are not brought into account, or have not been appropriated in conformity

<sup>1</sup> Paragraph (d) was repealed by Sch II of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37)

with the provisions of the law, or which have been expended or disposed of without due authority and shall also specify any defects, inaccuracies or irregularities which may appear in the accounts, or in the authorities, vouchers or documents having relation thereto.

(7) The auditor shall lay all his reports before both Houses of Parliament, with the accounts of the year to which the reports relate.

(8) The auditor shall hold office during good behaviour.

(9) There shall be paid to the auditor and his assistants out of the revenues of India [or out of moneys provided by Parliament], such salaries as His Majesty by warrant signed and countersigned as aforesaid, may direct.

(10) The auditor and his assistants (notwithstanding that some of them do not hold certificates from the Civil Service Commissioners) shall for the purposes of superannuation [or retiring] allowance [and their legal personal representatives shall for the purposes of gratuity] be in the same position as if [the auditor and his assistants] were on the establishment of the Secretary of State in Council.

### PART III

#### PROPERTY CONTRACTS AND LIABILITIES

Power of  
Secretary of  
State to sell  
mortgage  
and buy  
property

28 (1) The Secretary of State in Council may with the concurrence of a majority of votes at a meeting of the Council of India sell and dispose of any real or personal estate for the time being vested in His Majesty for the purposes of the Government of India and raise money on any such real [or personal] estate by way of mortgage [or otherwise] and make the proper arrangements for any of those purposes and purchase and acquire any property.

(2) Any arraignment relating to real estate made by the authority of the Secretary of State in Council may be made under the hands and seals of [two] members of the Council of India.

(3) All property acquired in pursuance of this section shall vest in His Majesty for the purpose of the Government of India.

Extract of  
Secretary of  
State's  
Act

29 (1) [Subject to the provision of this Act regarding the appointment of a High Commissioner for India] the Secretary of State in

There was a power exercisable by Part II of Schedule II of the Government of India Act 1919 (A.D. 1919, No. 8, c. 101).

There was a power exercisable by Part II of the Government of India Act 1919 (A.D. 1919, No. 8, c. 101).

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This was a power exercisable by Part II of the Government of India Act 1919 (A.D. 1919, No. 8, c. 101).

Council may, with the concurrence of a majority of votes at a meeting of the Council of India, make any contract for the purposes of this Act.

(2) Any contract so made may be expressed to be made by the Secretary of State in Council

(3) Any contract so made which, if it were made between private persons, would be by law required to be under seal, may be made, varied or discharged under the hands and seals of two members of the Council of India

(4) Any contract so made which, if it were made between private persons, would be by law required to be signed by the party to be charged therewith, may be made, varied or discharged under the hands of two members of the Council of India

(5) Provided that any contract for or relating to the manufacture, sale, purchase or supply of goods, or for or relating to affreightment or the carriage of goods, or to insurance, may, subject to such rules and restrictions as the Secretary of State in Council prescribes, be made and signed on behalf of the Secretary of State in Council by any person upon the permanent establishment of the Secretary of State in Council who is duly empowered by the Secretary of State in Council in this behalf Contracts so made and signed shall be as valid and effectual as if made as prescribed by the foregoing provisions of this section Particulars of all contracts so made and signed shall be laid before the Secretary of State in Council in such manner and form and within such times as the Secretary of State in Council prescribes

(6) The benefit and liability of every contract made in pursuance of this section shall pass to the Secretary of State in Council for the time being.

<sup>1</sup>[29A. His Majesty may by Order in Council make provision for High Com- ]  
the appointment of a High Commissioner for India in the United King- missioner  
dom, and for the pay, pension, powers, duties, and conditions of em- for India  
ployment of the High Commissioner and of his assistants, and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council, whether under this Act or otherwise, in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local government ]

30. (1) The Governor-General in Council and any local government Power to  
may, on behalf and in the name of the Secretary of State in Council, and execute as-  
subject to such provisions or restrictions as the Secretary of State in surances, etc.,  
Council, with the concurrence of a majority of votes at a meeting of the in India

<sup>1</sup> Section 29A was inserted by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo. 5, c 101)

Council of India, prescribes sell and dispose of any real or personal estate whatsoever in British India within the limits of their respective governments for the time being vested in His Majesty for the purposes of the Government of India or raise money on any such real [or personal] estate by way of mortgage [or otherwise,] and make proper assurances for any of those purposes and purchase or acquire any property in British India within the said respective limits and make any contract for the purposes of this Act

<sup>2</sup>[(1a) A local government may on behalf and in the name of the Secretary of State in Council raise money on the security of revenues allocated to it under this Act and make proper assurances for that purpose and rules made under this Act may provide for the conditions under which the power shall be exercisable ]

(2) Every assurance and contract made for the purpose of <sup>2</sup>[subsection (1) of this section] shall be executed by such person and in such manner as the Governor-General in Council by resolution direct or authorise and if so executed may be enforced by or against the Secretary of State in Council for the time being

(3) All property acquired in pursuance of this section shall vest in His Majesty for the purposes of the Government of India

Power to  
dispose of  
recovered  
property etc

31 The Governor-General in Council and any other person authorised by any Act passed in that behalf by the <sup>2</sup>[Indian legislature] may make any grant or disposition of any property in British India according to His Majesty by forfeiture, sequestration or by devolution as hereinafter mentioned or in favour of any relative or connection of the person from whom the property has accrued or to or in favour of any other person

Right and  
liabilities of  
Secretary of  
State in  
Council

32 (1) The Secretary of State in Council may sue and be sued by the name of the Secretary of State in Council as a body corporate

(2) Every person shall have the same remedies against the Secretary of State in Council as he might have had against the East India Company <sup>14</sup> if the Government of India Act 1858 and the Act had not been passed

(3) The property for the time being vested in His Majesty for the purpose of the Government of India shall be liable to the attachment and execution as it would have been liable to it in respect of his

(4) Neither the Secretary of State nor any member of the Council of India shall be personally liable in respect of any assurance or contract made by or on behalf of the Secretary of State in Council, or any other liability incurred by the Secretary of State or the Secretary of State in Council in his or their official capacity, nor in respect of any contract, covenant or engagement of the East India Company, nor shall any person executing any assurance or contract on behalf of the Secretary of State in Council be personally liable in respect thereof, but all such liabilities, and all costs and damages in respect thereof, shall be borne by the revenues of India

## PART IV

### THE GOVERNOR-GENERAL IN COUNCIL

#### *General Powers and Duties of Governor-General in Council*

**33.** <sup>1</sup>[Subject to the provisions of this Act and rules made thereunder,] the superintendence, direction and control of the civil and military government of India is vested in the Governor-General in Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State

Powers of  
control of  
Governor-  
General in  
Council

#### *The Governor-General.*

**34.** The Governor-General of India is appointed by His Majesty by <sup>The Governor-</sup>  
<sub>or-General</sub> warrant under the Royal Sign Manual

#### *The Governor-General's Executive Council*

**35.** [Constitution of Governor-General's Executive Council]  
Omitted by Part II of Sch II, 9 & 10 Geo 5, c 101

**36.** (1) The <sup>2\*</sup> members of the Governor-General's Executive Council shall be appointed by His Majesty by warrant under the Royal Sign Manual

Members of  
Council

(2) The number of the <sup>2\*</sup> members of the Council shall be <sup>3</sup>[such as His Majesty thinks fit to appoint]

(3) Three at least of them must be persons who <sup>4\*\*\*\*\*</sup> have been for at least ten years in the service of the Crown in India, and one must be a

<sup>1</sup> These words were inserted by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> The word "ordinary" was omitted by *ibid*

<sup>3</sup> These words were substituted for the words "five, or if His Majesty thinks fit to appoint a sixth member, six" by *ibid*

<sup>4</sup> The words "at the time of their appointment" were omitted by *ibid*.

barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland [<sup>1</sup>or a pleader of a High Court] of not less than <sup>2</sup>[ten] years' standing

(4) If any <sup>2</sup>[member of the Council (other than the Commander-in-Chief for the time being of His Majesty's forces in India)] is at the time of his appointment in the military service of the Crown, he shall not, during his continuance in office as such member, hold any military command or be employed in actual military duties

<sup>4</sup>[(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's Executive Council in any case where such provision is not made by the foregoing provisions of this section]

Rank and precedence of Commander-in-Chief

<sup>5</sup>[37] If the Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's Executive Council he shall subject to the provisions of this Act have rank and precedence in the Council next after the Governor-General]

Vice-president of Council

38 The Governor-General shall appoint a member of his Executive Council to be vice-president thereof

Meetings

39 (1) The Governor-General's Executive Council shall assemble at such places in India as the Governor-General in Council appoints

(2) At any meeting of the Council the Governor-General or other person presiding and <sup>6</sup>[one member of the Council (other than the Commander-in-Chief)] may exercise all the functions of the Governor-General in Council

Business of Governor-General in Council

40 (1) All orders and other proceedings of the Governor-General in Council shall be expressed to be made by the Governor-General in Council and shall be signed by a Secretary to the Government of India or other who in the Governor-General in Council may direct [and when so signed shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council]

(2) The Governor-General may make rule and orders for the more convenient transaction of business in his Executive Council and every order made or act done in accordance with such rule or order shall be treated as being the order or act of the Governor-General in Council

These words were struck out by Part II of S. 6 of the Government of India Act, 1919 (7 & 8 Geo. V, c. 101).  
 "It is the duty of the Governor-General to call, sit, preside over, and adjourn the meetings of the Council."  
 "The Governor-General may make rules for the more convenient transaction of business in his Executive Council."  
 "These words were struck out by Part II of S. 6 of the Government of India Act, 1919 (7 & 8 Geo. V, c. 101).  
 "It is the duty of the Governor-General to call, sit, preside over, and adjourn the meetings of the Council."  
 "The Governor-General may make rules for the more convenient transaction of business in his Executive Council."

**41. (1)** If any difference of opinion arises on any question brought before a meeting of the Governor-General's Executive Council, the Governor-General in Council shall be bound by the opinion and decision of the majority of those present, and, if they are equally divided, the Governor-General or other person presiding shall have a second or casting vote.

Procedure in  
case of  
difference of  
opinion

**(2)** Provided that whenever any measure is proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British India, or of any part thereof, are or may be, in the judgment of the Governor-General, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the Council dissent from that opinion, the Governor-General may, on his own authority and responsibility, adopt, suspend or reject the measure, in whole or in part.

**(3)** In every such case any two members of the dissentient majority may require that the adoption, suspension or rejection of the measure, and the fact of their dissent, be reported to the Secretary of State, and the report shall be accompanied by copies of any minutes which the members of the Council have recorded on the subject.

**(4)** Nothing in this section shall empower the Governor-General to do anything which he could not lawfully have done with the concurrence of Council.

**42** If the Governor-General is obliged to absent himself from any meeting of the Council, by indisposition or any other cause,<sup>1\*</sup> \* absence of Governor-General from meetings of Council the vice-president, or, if he is absent, the senior [member (other than the Commander-in-Chief)] present at the meeting, shall preside thereat, with the like powers as the Governor-General would have had if present.

Provided that if the Governor-General is at the time resident at the place where the meeting is assembled, and is not prevented by indisposition from signing any act of Council made at the meeting, the act shall require his signature, but, if he declines or refuses to sign it, the like provisions shall have effect as in cases where the Governor-General, when present, dissents from the majority at a meeting of the Council.

**43. (1)** Whenever the Governor-General in Council declares that it is expedient that the Governor-General should visit any part of India unaccompanied by his Executive Council, the Governor-General in Council may, by order, authorize the Governor-General alone to exercise, in his

Powers of  
Governor-  
General in  
absence from  
Council

<sup>1</sup> The words "and signifies his intended absence to the Council" were omitted by Part III of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

<sup>2</sup> These words were substituted for the words "ordinary member" by Part II of Sch II, *ibid.*

discretion, all or any of the powers which might be exercised by the Governor-General in Council at meetings of the Council

(2) The Governor General during absence from his Executive Council may, if he thinks it necessary issue on his own authority and responsibility any order, which might have been issued by the Governor General in Council to any local government or to any officers or servants of the Crown acting under the authority of any Local Government without previously communicating the order to the local government and any such order shall have the same force as if made by the Governor General in Council but a copy of the order shall be sent forthwith to the Secretary of State and to the Local Government with the reasons for making the order

(3) The Secretary of State in Council may by order suspend until further order all or any of the powers of the Governor-General under the last foregoing sub-section and those powers shall accordingly be suspended as from the time of the receipt by the Governor General of the order of the Secretary of State in Council

*Appointment  
of Council  
Secretaries.*

[43A. (1) The Governor General may at his discretion appoint from among the members of the Legislative Assembly Council Secretaries who shall hold office during his pleasure and discharge such duties in assisting the members of his Executive Council as he may assign to them

(2) There shall be paid to Council Secretaries so appointed such salaries as may be provided by the Indian legislature

(3) A Council Secretary shall cease to hold office if he cease for more than six months to be a member of the Legislative Assembly]

### *War and Treaties*

*Restriction  
on power  
of Governor  
General in  
Council to  
make war or  
treaty*

44 (1) The Governor General in Council may not without the express order of the Secretary of State in Council in any case (except where hostilities have been actually commenced or preparation for the commencement of hostilities have been actually made against the British Government in India or against any prince or state dependent thereon or against any prince or state who is a territory His Maj is bound by any existing treaty to defend or guarantee either declare war or commence hostilities or enter into any treaty for making war against any prince or state in India or enter into any guarantee respecting the position of any such prince or state

(2) In any such case the Governor General in Council may declare war or commence hostilities or enter into any treaty for making war against any other prince or state than one as is actually

committing hostilities or making preparations as aforesaid, and may not make any treaty for guaranteeing the possessions of any prince or state except on the consideration of that prince or state actually engaging to assist His Majesty against such hostilities commenced or preparations made as aforesaid

(3) When the Governor-General in Council commences any hostilities or makes any treaty, he shall forthwith communicate the same, with the reasons therefor, to the Secretary of State

## PART V

### LOCAL GOVERNMENTS

#### *General*

45. (1) <sup>1</sup>[Subject to the provisions of this Act and rules made thereunder], every Local Government shall obey the orders of the Governor-General in Council, and keep him constantly and diligently informed of its proceedings and of all matters which ought, in its opinion, to be reported to him, or as to which he requires information, and is under his superintendence, direction and control in all matters relating to the government of its province

Relation of local governments to Governor-General in Council

<sup>2</sup>(2) \* ~ \* \* \* \*

(3) The authority of a Local Government is not superseded by the presence in its province of the Governor-General

<sup>3</sup>[45A (1) Provision may be made by rules under this Act—

Classification of central and provincial subjects

- (a) for the classification of subjects, in relation to the functions of Government, as central and provincial subjects, for the purpose of distinguishing the functions of Local Governments and local legislatures from the functions of the Governor-General in Council and the Indian legislature,
- (b) for the devolution of authority in respect of provincial subjects to Local Governments, and for the allocation of revenues or other moneys to those governments,
- (c) for the use under the authority of the Governor-General in Council of the agency of Local Governments in relation to central subjects, in so far as such agency may be found

<sup>1</sup> These words were inserted by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> Sub-section (2) was omitted by Part III of Sch II, *ibid*

<sup>3</sup> Section 45A was inserted by Part I of Sch II, *ibid*

For the Coorg Devolution Rules see Gazette of India, 1924, Part I, p 3

convenient, and for determining the financial conditions of such agency and

(d) for the transfer from among the provincial subjects (in this Act referred to as 'transferred subjects') to the administration of the governor acting with ministers appointed under this Act and for the allocation of revenues or moneys for the purpose of such administration

(2) Without prejudice to the generality of the foregoing powers rules made for the above-mentioned purposes may—

- (i) regulate the extent and conditions of such devolution allocation and transfer
- (ii) provide for fixing the contributions payable by Local Governments to the Governor General in Council and making such contributions a first charge on allocated revenues or moneys
- (iii) provide for constituting a finance department in any province, and regulating the functions of that department
- (iv) provide for regulating the exercise of the authority vested in the Local Government of a province over members of the public services therein
- (v) provide for the settlement of doubts arising as to whether any matter does or does not relate to a provincial subject or a transferred subject and for the treatment of matters which affect both a transferred subject and a subject which is not transferred and
- (vi) make such consequential and supplemental provisions as appear necessary or expedient

Provided that without prejudice to any general power of making or altering rules under this Act the rules shall not authorise the revocation or suspension of the transfer of any subject except with the sanction of the Secretary of State in Council

(3) The power of superintendence direction and control over Local Governments vested in the Governor-General in Council under this Act shall in relation to transferred subjects be exercised only for such purpose as may be specified in rules made under this Act but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such powers in any particular case falls within the purpose so specified

(4) The expressions 'central subjects' and 'provincial subjects' as used in this Act mean subjects so classified under the rules

'provincial subject' other than transferred subject are in the Act referred to as 'transferred subjects' ]

*Governorships*

**46** <sup>1</sup>[(*I*) The presidencies of Fort William in Bengal, Fort St. George, and Bombay, and the provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam,<sup>2</sup> shall each be governed, in relation to reserved subjects, by a governor in council and in relation to transferred subjects (save as otherwise provided by this Act) by the governor acting with ministers appointed under this Act]

The said presidencies and provinces are in this Act referred to as "governors' provinces" and the two first named presidencies are in this Act referred to as the presidencies of Bengal and Madras ]

<sup>3</sup>[(*2*) The governors of the said presidencies are appointed by His Majesty by warrant under the Royal Sign Manual, and the governors of the said provinces shall be so appointed after consultation with the Governor-General ]

(*3*) The Secretary of State may, if he thinks fit, by order revoke or suspend, for such period as he may direct, the appointment of a council for any or all of [*the governors' provinces*], and whilst any such order is in force the governor of the [*province*] to which the order refers shall have all the powers of the governor thereof in council

**47.**(*I*) The members of a governor's executive council shall be appointed by His Majesty by warrant under the Royal Sign Manual, and shall be of such number, not exceeding four, as the Secretary of State in Council directs

(*2*) [*One at least of them must be a person who at the time of his appointment has been*] for at least twelve years in the service of the Crown in India

<sup>4</sup>[(*3*) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by the foregoing provisions of this section ]

**48** Every governor of a <sup>5</sup>[*province*] shall appoint a member of his executive council to be vice-president thereof

Vice president of council.

<sup>1</sup> Sub-section 1 of section 46 was substituted by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> The province of Burma has since been constituted a governor's province, *vide* footnote 2 to s 52A (1) on p 80, *infra*

<sup>3</sup> This sub-section was substituted by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>4</sup> These words were substituted for the words "those presidencies" by *ibid*

<sup>5</sup> This word was substituted for the words "presidency" by *ibid*

<sup>6</sup> These words were substituted for the words "Two at least of them must be persons who at the time of their appointment have been" by *ibid*

<sup>7</sup> This sub-section was substituted by *ibid*

<sup>8</sup> This word was substituted for the word "presidency" by *ibid*

Business of  
governor  
in council  
and governor  
with minis-  
ters.

<sup>1</sup>[40 (1) All orders and other proceedings of the government of a governor's province shall be expressed to be made by the government of the province and shall be authenticated as the governor may by rule direct so however that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings]

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province

(2) The governor may make rules and orders for the more convenient transaction of business in his executive council and with his ministers, and every order made or act done in accordance with those rules and orders shall be treated as being the order or the act of the government of the province

The governor may also make rules and orders for regulating the relations between his executive council and his ministers for the purpose of the transaction of the business of the local government

Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any other rules made under this Act shall to the extent of that repugnancy but not otherwise be void]

50 (1) If any difference of opinion arises on any question brought before a meeting of a governor's executive council the governor in council shall be bound by the opinion and decision of the majority of those present and if they are equally divided the governor or other person presiding shall have a second or casting vote

(2) Provided that whenever any measure is proposed before a meeting of a council whereby the safety, tranquillity or interests of his [province] or of any part thereof, are or may be in the judgment of the governor essentially affected and he is of opinion either that the measure proposed ought to be adopted and carried into execution or that it ought to be suspended or rejected and the majority present at a meeting of the council dissent from that opinion the governor may on his own authority and responsibility by order in writing adopt or reject the measure in whole or in part

(3) In every such case the governor and the members of the council present at the meeting shall mutually exchange written documents (to be read aloud in the room) relating to the general tenor of their respective opinions and the order of the governor shall be given by the governor and by those members

(4) Nothing in this section shall empower a governor to do anything which he could not lawfully have done with the concurrence of his council

**51.** If a governor is obliged to absent himself from any meeting of his executive council, by indisposition or any other cause, <sup>1\*</sup> \* \* the vice-president, or, if he is absent, the senior <sup>2\*</sup> member present at the meeting, shall preside thereat, with the like powers as the governor would have had if present

Provided that if the governor is at the time resident at the place where the meeting is assembled, and is not prevented by indisposition from signing any act of council made at the meeting, the act shall require his signature, but, if he declines or refuses to sign it, the like provisions shall have effect as in cases where the governor, when present, dissents from the majority at a meeting of the council

<sup>3</sup>[**52.** (1) The governor of a governor's province may, by notification, appoint ministers, not being members of his executive council or other officials, to administer transferred subjects, and any ministers so appointed shall hold office during his pleasure

There may be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province

(2) No minister shall hold office for a longer period than six months, unless he is or becomes an elected member of the local legislature

(3) In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice

Provided that rules may be made under this Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules

(4) The governor of a governor's province may at his discretion appoint from among the non-official members of the local legislature, council secretaries, who shall hold office during his pleasure and discharge such duties in assisting members of the executive council and ministers as he may assign to them

There shall be paid to council secretaries so appointed such salary as may be provided by vote of the legislative council

<sup>1</sup> The words "and signifies his intended absence to the council" were omitted by Part III of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

<sup>2</sup> The word "civil" was omitted by *ibid*

<sup>3</sup> Section 52 was substituted by Part I of Sch II, *ibid*

*Business of  
governor  
in council  
and governor  
with minis-  
ters.*

**[40 (1) All orders and other proceedings of the government of a governor's province shall be expressed to be made by the government of the province and shall be authenticated as the governor may by rule direct so however that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings]**

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province

**(2) The governor may make rules and orders for the more convenient transaction of business in his executive council and with his ministers, and every order made or set down in accordance with those rules and orders shall be treated as being the order or the act of the government of the province**

**The governor may also make rules and orders for regulating the relations between his executive council and his ministers for the purpose of the transaction of the business of the local government**

**Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any other rules made under this Act shall to the extent of that repugnancy but not otherwise be void ]**

*Procedure  
in case of  
difference of  
opinion in  
executive  
council.*

**50 (1) If any difference of opinion arises on any question brought before a meeting of a governor's executive council the governor in council shall be bound by the opinion and decision of the majority of those present and if they are equally divided the governor or other person presiding shall have a second or casting vote**

**(2) Provided that whenever any measure is proposed before a governor's executive council whereby the safety, tranquillity or interests of his [province] or of any part thereof, are or may be, in the judgment of the governor essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution or that it ought to be suspended or rejected, and the majority present at a meeting of the council dissent from that judgment, the governor may, in his own authority and responsibility, by order in writing adopt, suspend or reject the measure, in whole or in part**

**(3) In every such case the governor and the members of the council present at the meeting shall mutually exchange written communications (to be read but not large in their secret proceedings) setting forth their respective opinions and the order of the governor shall be carried by the governor and by those in order**

(4) Nothing in this section shall empower a governor to do anything which he could not lawfully have done with the concurrence of his council

**51.** If a governor is obliged to absent himself from any meeting of his executive council, by indisposition or any other cause,<sup>1\*</sup> \* \* the vice-president, or, if he is absent, the senior<sup>2\*</sup> member present at the meeting, shall preside thereat, with the like powers as the governor would have had if present

Provided that if the governor is at the time resident at the place where the meeting is assembled, and is not prevented by indisposition from signing any act of council made at the meeting, the act shall require his signature, but, if he declines or refuses to sign it, the like provisions shall have effect as in cases where the governor, when present, dissents from the majority at a meeting of the council

**52.** (1) The governor of a governor's province may, by notification, appoint ministers, not being members of his executive council or other officials, to administer transferred subjects, and any ministers so appointed shall hold office during his pleasure

There may be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province

(2) No minister shall hold office for a longer period than six months, unless he is or becomes an elected member of the local legislature

(3) In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice

Provided that rules may be made under this Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules

(4) The governor of a governor's province may at his discretion appoint from among the non-official members of the local legislature, council secretaries, who shall hold office during his pleasure and discharge such duties in assisting members of the executive council and ministers as he may assign to them

There shall be paid to council secretaries so appointed such salary as may be provided by vote of the legislative council

<sup>1</sup> The words "and signifies his intended absence to the council" were omitted by Part III of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

<sup>2</sup> The word "civil" was omitted by *ibid*

<sup>3</sup> Section 52 was substituted by Part I of Sch II, *ibid*

A council secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative council.]

<sup>1</sup>[52A.] (1) The Governor General in Council may after obtaining an expression of opinion from the local government and the local legislature affected by notification with the sanction of His Majesty previously signified by the Secretary of State in Council constitute a new governor's province<sup>2</sup> or place part of a governor's province under the administration of a deputy governor to be appointed by the Governor General and may in any such case apply with such modifications as appear necessary or desirable all or any of the provisions of this Act relating to governors' provinces or provinces under a lieutenant governor or chief commissioner to any such new province or part of a province.

(2) The Governor General in Council may declare any territory in British India to be a "backward tract" and may by notification with such sanction as aforesaid direct that this Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification.

Where the Governor-General in Council has by notification directed as aforesaid he may by the same or subsequent notification direct that no Act of the Indian legislature shall not apply to the territory in question or any part thereof or shall apply to the territory or any part thereof subject to such exception or modification as the Governor-General thinks fit it may authorise the Governor in Council to give similar direction respecting any Act of the local legislature.]

**[52B (1) The validity of any order made or action taken after the commencement of the Government of India Act, 1919, by the Governor General in Council or by a local government which would have been within the powers of the Governor General in Council or of such local government if that Act had not been passed shall not be open to question in any legal proceeding on the ground that by reason of any provision of that Act, the Act or of any rule made by virtue of any such**

Section A and B are inserted by Part I of Sch. II of the Government of India Act, 1919, 10 Geo. 5, c. 111.

"The province of Basse was constituted a province by royal edict dated from January 1, 1713, for the sake of convenience. The Royal Decree of 1713 is also clearly to be seen in the Royal Decree of 1713 dated January 1, 1713, in Cognac. It is also attested by 1713."

In the first year he had to be a backward man in Mexico. He did the best he could. The world may not like the way he does it, but he is trying his best to make the best of it. He has a good heart, and he is a good man.

provision, such order or action has ceased to be within the powers of the Governor-General in Council or of the government concerned.

(2) The validity of any order made or action taken by a governor in council, or by a governor acting with his ministers, shall not be open to question in any legal proceedings on the ground that such order or action relates or does not relate to a transferred subject, or relates to a transferred subject of which the minister is not in charge]

### *Lieutenant-Governorships and other Provinces*

53. <sup>1(1)</sup> <sup>2</sup>[The province of] Burma is, subject to the provisions of this Act, governed by a lieutenant-governor <sup>3\*\*\*</sup>

Lieutenant-governorships

(2) The Governor-General in Council may, by notification with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new province under a lieutenant-governor

54. (1) A lieutenant-governor is appointed by the Governor-General with the approval of His Majesty

Appointment, etc., of lieutenant-governors

(2) A lieutenant-governor must have been, at the time of his appointment, at least ten years in the service of the Crown in India

\* \* \* \* \*

55. (1) The Governor-General in Council, with the approval of the Secretary of State in Council, may, by notification, create a council in any province under a lieutenant-governor, for the purpose of assisting the lieutenant-governor in the executive government of the province, and by such notification—

(a) make provision for determining what shall be the number (not exceeding four) and qualifications of the members of the Council, and

(b) make provision for the appointment of temporary or acting members of the council during the absence of any member from illness or otherwise, <sup>5</sup>[and for supplying a vacancy until it is permanently filled,] and for the procedure to be adopted in case of a difference of opinion between a lieutenant-governor and his council, and in the case of

<sup>1</sup> This sub-section ceased to have effect from January 2, 1923, i.e., the date from which the province of Burma was constituted a governor's province, *vide* notification No 225, dated October 7, 1921, in Gazette of India Extraordinary, 1921, p. 381 and notification No 1192, dated January 2, 1923, in Gazette of India Extraordinary, 1923, p. 37.

<sup>2</sup> These words were substituted for the words "Each of the following provinces, namely, those known as Bihar and Orissa, the United Provinces of Agra and Oudh the Punjab and" by Part II of Sch. II of the Government of India Act, 1919 (9 & 10 Geo. 5, c. 101).

<sup>3</sup> The words "with or without an executive council" were omitted by *ibid*

<sup>4</sup> Sub-section (3) was omitted by Part III of Sch. II, *ibid*

<sup>5</sup> These words were inserted by *ibid*

equality of votes and in the case of a lieutenant governor being obliged to absent himself from his council by indisposition or any other cause

Provided that before any such notification is published a draft thereof shall be laid before each House of Parliament for not less than sixty days during the session of Parliament and if before the expiration of that time an address is presented to His Majesty by either House of Parliament against the draft or any part thereof no further proceedings shall be taken thereon without prejudice to the making of any new draft

(2) Every notification under this section shall be laid before both Houses of Parliament as soon as may be after it is made

(3) Every member of a lieutenant-governor's executive council shall be appointed by the Governor General with the approval of His Majesty

**58** A lieutenant-governor who has an executive council shall appoint a member of the council to be vice-president thereof and that vice-president shall preside at meetings of the council in the absence of the lieutenant-governor

**57** A lieutenant-governor who has an executive council may with the consent of the Governor-General in Council make rules and orders for more convenient transaction of business in the council and every order made or act done in accordance with such rules and orders shall be treated as being the order or the act of the lieutenant-governor in council [An order made as aforesaid shall not be called into question in any legal proceedings on the ground that it was not duly made by the lieutenant-governor in council]

**58** Each of the following provinces namely those known as the North West Frontier Province British Baluchistan, Delhi Ajmer Merwara Coorg and the Andaman and Nicobar Islands is, subject to the provisions of this Act administered by a chief commissioner

**59** The Governor General in Council may with the approval of the Secretary of State and by notification take any part of British India under the immediate authority and management of the Governor General in Council and thereupon give all necessary order and direction respecting the administration of that part by placing it under a chief commissioner or by otherwise providing for its administration

<sup>1</sup> These words were inserted by Part II of Sch. II of the Government of India Act 1919 (9 & 10 Geo. 5 c. 10).

<sup>2</sup> The words Assam the Central Provinces were omitted by ibid.

<sup>3</sup> For notification creating the Agency of Manpur a Chief Commissionership see Gazette of India 1914 Pt. I, p. 43.

Vice-president of  
lieutenant  
governor's  
council

Business of  
lieutenant  
governor in  
council

Chief com  
missioners

Power to  
place terri  
tory under  
authority of  
Governor  
General in  
Council

*Boundaries.*

**60.** The Governor-General in Council may, by notification, declare, appoint or alter the boundaries of any of the provinces into which British India is for the time being divided, and distribute the territories of British India among the several provinces thereof in such manner as may seem expedient, subject to these qualifications, namely.—

- (1) an entire district may not be transferred from one province to another without the previous sanction of the Crown, signified by the Secretary of State in Council, and
- (2) any notification under this section may be disallowed by the Secretary of State in Council

**61.** An alteration in pursuance of the foregoing provisions of the mode of administration of any part of British India, or of the boundaries of any part of British India, shall not affect the law for the time being in force in that part

**62.** The governor of Bengal in Council, the governor of Madras in council, and the governor of Bombay in council may, with the approval of the Secretary of State in Council, and by notification, extend the limits of the towns of Calcutta, Madras and Bombay, respectively, and any Act of Parliament, letters patent, charter, law or usage conferring jurisdiction, power or authority within the limits of those towns respectively shall have effect within the limits as so extended

**PART VI.****INDIAN LEGISLATION***The Indian Legislature*

<sup>1</sup>[**63.** Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two chambers, namely, the Council of State and the Legislative Assembly

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers ]

<sup>1</sup>[**63A** (1) The Council of State shall consist of not more than sixty members nominated or elected in accordance with rules made under this Act, of whom not more than twenty shall be official members

<sup>1</sup> Sections 63, 63A, 63B, 63C, 63D, 63E, and 64 were substituted for sections 63 and 64 by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

(2) The Governor General shall have power to appoint from among the members of the Council of State a president and other persons to preside in such circumstances as he may direct

(3) The Governor-General shall have the right of addressing the Council of State and may for that purpose require the attendance of its members ]

[**63B** (1) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under this Act

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty of whom twenty six shall be official members. The number of elected members shall be one hundred

Provided that rules made under this Act may provide for increasing the number of members of the Legislative Assembly as fixed by this section and may vary the proportion which the classes of members bear one to another so however that at least five sevenths of the members of the Legislative Assembly shall be elected members, and at least one-third of the other members shall be non-official members

(3) The Governor General shall have the right of addressing the Legislative Assembly and may for that purpose require the attendance of its members ]

[**63C** (1) There shall be a president of the Legislative Assembly, who shall until the expiration of four years from the first meeting thereof be a person appointed by the Governor-General and shall thereafter be a member of the Assembly elected by the Assembly and approved by the Governor-General

Provided that if at the expiration of such period of four years the Assembly is in session the president then in office shall continue in office until the end of the current session and the first election of a president shall take place at the commencement of the ensuing session

(2) There shall be a deputy president of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the president and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General

(3) The appointed president shall hold office until the date of the election of a president under this section but he may resign his office by writing under his hand addressed to the Governor General or may be removed from office by order of the Governor-General and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term

(4) An elected president and a deputy president shall cease to hold office if they cease to be members of the Assembly. They may resign

office by writing under their hands addressed to the Governor-General, and may be removed from office by a vote of the Assembly with the concurrence of the Governor-General

(5) A president and deputy-president shall receive such salaries as may be determined, in the case of an appointed president by the Governor-General, and in the case of an elected president and a deputy-president by Act of the Indian legislature ]

<sup>1</sup>[63D. (1) Every Council of State shall continue for five years, and every Legislative Assembly for three years from its first meeting

Duration and  
sessions of  
Legislative  
Assembly  
and Council  
of State

Provided that—

(a) either chamber of the legislature may be sooner dissolved by the Governor-General, and

(b) any such period may be extended by the Governor-General if in special circumstances he so thinks fit, and

(c) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months, or, with the sanction of the Secretary of State, not more than nine months, after the date of dissolution for the next session of that chamber

(2) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian legislature as he thinks fit, and may also from time to time, by notification or otherwise, prologue such sessions

(3) Any meeting of either chamber of the Indian legislature may be adjourned by the person presiding

(4) All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes

(5) The powers of either chamber of the Indian legislature may be exercised notwithstanding any vacancy in the chamber ]

<sup>1</sup>[63E. (1) An official shall not be qualified for election as a member of either chamber of the Indian legislature, and, if any non-official member of either chamber accepts office in the service of the Crown in India, his seat in that chamber shall become vacant

(2) If an elected member of either chamber of the Indian legislature becomes a member of the other chamber, his seat in such first-mentioned chamber shall thereupon become vacant

(3) If any person is elected a member of both chambers of the Indian legislature, he shall, before he takes his seat in either chamber, signify

\* <sup>1</sup> See the footnote on p. 87, *supra*.

in writing the chamber of which he desires to be a member and thereupon his seat in the other chamber shall become vacant

(4) Every member of the Governor General's executive council shall be nominated as a member of one chamber of the Indian legislature and shall have the right of attending in and addressing the other chamber but shall not be a member of both chambers ]

<sup>1</sup>[**84 (1)** Subject to the provisions of this Act, provision may be made by rules under this Act as to—

- (a) the term of office of nominated members of the Council of State and the Legislative Assembly and the manner of filling casual vacancies occurring by reason of absence of members from India inability to attend to duty death acceptance of office or resignation duly accepted or otherwise and
- (b) the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly and
- (c) the qualifications of electors the constitution of constituencies and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto and
- (d) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly and
- (e) the final decision of doubts or disputes as to the validity of an election and
- (f) the manner in which the rules are to be carried into effect

(2) Subject to any such rules any person who is a ruler or subject of any state in India may be nominated as a member of the Council of State or the Legislative Assembly ]

**85 (1)** [*Indian legislature*] has power to make laws—

- (a) for all persons for all courts and for all places and things within British India and
- (b) for all subjects of His Majesty and servants of the Crown within other parts of India and
- (c) for all native Indian subjects of His Majesty, without and beyond as well as within British India and

<sup>1</sup> See the footnote on p. 87 *supra*

These words were substituted for the words "Governor-General in Council" in Part II of Sch. II of the Government of India Act 1919 (<sup>2</sup> Geo. 5 c. 101).

- (d) for the government of officers, soldiers, <sup>1</sup>[airmen] and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act <sup>1</sup>[or the Air Force Act], and
- (e) for all persons employed or serving in or belonging to the Royal Indian Marine Service, and
- (f) for repealing or altering any laws which for the time being are in force in any part of British India or apply to persons for whom the <sup>2</sup>[Indian legislature] has power to make laws.

(2) Provided that the <sup>2</sup>[Indian legislature] has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting—

- (i) any Act of Parliament passed after the year one thousand eight hundred and sixty and extending to British India (including the Army Act, <sup>1</sup>[the Air Force Act] and any Act amending the same), or
- (ii) any Act of Parliament enabling the Secretary of State in Council to raise money in the United Kingdom for the government of India,

and has not power to make any law affecting the authority of Parliament, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India

(3) The <sup>2</sup>[Indian legislature] has not power, without the previous approval of the Secretary of State in Council, to make any law empowering any court, other than a high court, to sentence to the punishment of death any of His Majesty's subjects born in Europe, or the children of such subjects, or abolishing any high court

**66.** (1) A law made under this Act for the Royal Indian Marine Service shall not apply to any offence unless the vessel to which the offender belongs is at the time of the commission of the offence within the limits of Indian waters, that is to say, the high seas between the Cape of Good Hope on the West and the Straits of Magellan on the East, and any territorial waters between those limits

(2) The punishments imposed by any such law for offences shall be similar in character to, and not in excess of, the punishments which may, at the time of making the law, be imposed for similar offences under the

<sup>1</sup> These words were inserted by Part III of Sch II of the Government of India Act, 1910 (9 & 10 Geo 5, c 101)

<sup>2</sup> These words were substituted for the words "Governor-General in Legislative Council" by Part II, *ibid*

Acts relating to His Majesty's Navy except that in the case of persons other than Europeans or Americans imprisonment for any term not exceeding fourteen years or transportation for life or any less term may be substituted for penal servitude

**87** [(1) Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the president and the deputy president and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules]

(2) It shall not be lawful without the previous sanction of the Governor General to introduce at any meeting of [either chamber of the Indian legislature] any measure affecting—

- (a) the public debt or public revenues of India or imposing any charge on the revenues of India or
- (b) the religion or religious rites and usages of any class of British subjects in India or
- (c) the discipline or maintenance of any part of His Majesty's military [naval or air] forces or
- (d) the relations of the Government with foreign princes or states

\*[or any measure—

- ~ (i) regulating any provincial subject or any part of a provincial subject which has not been declared by rules under this Act to be subject to legislation by the Indian legislature or
- (ii) repealing or amending any Act of a local legislature or
- (iii) repealing or amending any Act or Ordinance made by the Governor General ]

\*[(2a) Where in either chamber of the Indian legislature any Bill has been introduced or is proposed to be introduced or any amendment to a Bill is moved or proposed to be moved the Governor General may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of British India or any part thereof and may direct that no proceedings or that no further proceedings shall be taken by the chamber in relation to the Bill clause or amendment and effect shall be given to such direction ]

This sub-section was substituted by Part I of Sch II of the Government of India Act 1919 (P & 10 Geo 5 c 101)

These words were substituted for the words the Council by Part II of this sub-section

These words were substituted for the words or naval by Part III of this sub-section

These clauses were inserted by Part II of Sch II of this sub-section

Sub-section (3) was inserted by Part II of this sub-section

<sup>1</sup>[(3) If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber, passed by the other chamber either without amendments or with such amendments as may be agreed to by the two chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers. Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two chambers.]

<sup>1</sup>[(4) Without prejudice to the powers of the Governor-General under section sixty-eight of this Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either chamber.]

<sup>1</sup>[(5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.]

<sup>1</sup>[(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Governor-General in Council, but may with the consent of the Governor-General be altered by the chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void.]

<sup>1</sup>[(7) Subject to the rules and standing orders affecting the chamber there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.]

<sup>2</sup>[**67A.** (1) The estimated annual expenditure and revenue of the Indian budget. Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year]

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either chamber at the time when

<sup>1</sup> Sub-sections (3), (4), (5), (6) and (7) were substituted for sub-section (3) by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> Section 67A was inserted by Part I of Sch II, *ibid*

the annual statement is under consideration unless the Governor General otherwise directs —

- (i) interest and sinking fund charges on loans and
- (ii) expenditure of which the amount is prescribed by or under any law and
- <sup>1</sup>[(iii) salaries and pensions payable to or to the dependants of—  
 (a) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council  
 (b) chief commissioners and judicial commissioners  
 (c) persons appointed before the first day of April nineteen hundred and twenty four by the Governor-General in Council or by a local government to services or posts classified by rules under this Act as superior services or posts and
- (iv) sums payable to any person who is or has been in the civil service of the Crown in India under any order of the Secretary of State in Council of the Governor-General in Council or of a governor made upon an appeal made to him in pursuance of rules made under this Act ]
- (v) expenditure classified by the order of the Governor-General in Council as—  
 (a) ecclesiastical  
 (b) political  
 (c) defence

<sup>1</sup>[For the purposes of this subsection the expression "salaries and pensions" includes remuneration allowances gratuities any contributions (whether by way of interest or otherwise) out of the revenues of India to any provident fund or family pension fund and any other payments or emoluments payable to or on account of a person in respect of his office ]

- (2) If any question arises as to whether any proposed appropriation of revenue or money does or does not relate to the above heads the decision of the Governor General on the question shall be final

(3) The proposals of the Governor General in Council for the appropriation of revenue or money relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the Legislative Assembly in the form of demands for grants

(4) The Legislative Assembly may accept or refuse its demand to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant

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<sup>1</sup> Paragraph (iii) and (iv) were substituted and the explanation added with effect from 31 March 1921 by s. 1 of the Government of India (Civil Services) Act 1921 (15 & 16 Geo 5 c 83) infra.

(7) The demands as voted by the Legislative Assembly shall be submitted to the Governor-General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, by the Legislative Assembly.

(8) Notwithstanding anything in this section the Governor-General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof ]

<sup>1</sup>[**67B.** (1) Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquillity, or interests of British India or any part thereof, and thereupon—

(a) if the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General, notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature, or (as the case may be) in the form recommended by the Governor-General, and

(b) if the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent, until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat, and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian legislature and duly assented to

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action, the Governor-General

<sup>1</sup> Section 67B was inserted by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

may direct that any such Act shall come into operation forthwith and thereupon the Act shall have such force and effect as aforesaid subject, however to disallowance by His Majesty in Council ]

**88 (1)** When [a Bill] has been passed [by both chambers of the Indian legislature] the Governor General \*\*\* may declare that he assents to the [Bill], or that he withholds assent from the [Bill], or that he reserves the [Bill] for the signification of His Majesty's pleasure thereon

(2) [A Bill passed by both chambers of the Indian legislature shall not become an Act] until the Governor General has declared his assent thereto or, in the case of [a Bill] reserved for the signification of His Majesty's pleasure until His Majesty [in Council] has signified his assent \*\*\* and that assent has been notified by the Governor General

Powers of  
Crown to  
disallow Acts.

**89 (1)** When an Act of the [Indian legislature] has been assented to by the Governor General he shall send to the Secretary of State an authentic copy thereof and it shall be lawful for His Majesty [in Council] to signify \*\*\* his disallowance of any such Act

(2) Where the disallowance of any such Act has been so signified the Governor General shall forthwith notify the disallowance and thereupon the Act as from the date of the notification shall become void accordingly

**70** [*Rules for conduct of legislative business*] —Omitted by Part II of Sch II of 9 & 10 Geo 5 Ch 101

### *Regulations and Ordinances*

Power to  
make regula-  
tions.

**71 (1)** The local government of any part of British India to which this section for the time being applies may propose to the Governor-General in Council the draft of any Regulation for the peace and good government of that part with the reasons for proposing the Regulation

<sup>1</sup> These words were substituted for the words an Act by Part II of Sch II of the Government of India Act 1919 (9 & 10 Geo 5, c 101)

These words were substituted for the words at a meeting of the Indian Legislative Council by *ibid*

The words whether he was or was not present in Council at the passing thereof were omitted by *ibid*

This word was substituted for the word Act by *ibid*

These words were substituted for the words An Act of the Governor-General in Legislative Council has not validity by *ibid*

These words were substituted for the words an Act by *ibid*

These words were inserted by *ibid*

The word to the Governor-General through the Secretary of State in Council were omitted by *ibid*

These words were substituted for the word Governor-General in Legislative Council by *ibid*

The word through the Secretary of State in Council were omitted by *ibid*

(2) Thereupon the Governor-General in Council may take any such draft and reasons into consideration, and when any such draft has been approved by the Governor-General in Council and assented to by the Governor-General, it shall be published in the Gazette of India and in the local official gazette, if any, and shall thereupon have the like force of law and be subject to the like disallowance as if it were an Act of the <sup>1</sup>[Indian legislature]

(3) The Governor-General shall send to the Secretary of State in Council an authentic copy of every Regulation to which he has assented under this section

<sup>2</sup>[(3a) A Regulation made under this section for any territory shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory ]

(4) The Secretary of State may, by resolution in council, apply this section to any part of British India, as from a date to be fixed in the resolution, and withdraw the application of this section from any part to which it has been applied

72. The Governor-General may, in cases of emergency, make and promulgate Ordinances for the peace and good government of British India or any part thereof, and any Ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the <sup>3</sup>[Indian legislature], but the power of making Ordinances under this section is subject to the like restrictions as the power of the <sup>3</sup>[Indian legislature] to make laws, and any Ordinance made under this section is subject to the like disallowance as an Act passed by the <sup>3</sup>[Indian legislature], and may be controlled or superseded by any such Act

Power to  
make Ordin-  
ances in  
case of  
emergency.

#### LOCAL LEGISLATURES

##### (a) Governors' Provinces

<sup>4</sup>[72A. (1) There shall be a legislative council in every governor's province, which shall consist of the members of the executive council and of members nominated or elected as provided by this Act

<sup>1</sup> These words were substituted for the words "Governor-General in Legislative Council" by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> This sub-section was inserted by section 2 (1) of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37)

<sup>3</sup> These words were substituted for the words "Governor-General in Legislative Council" by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>4</sup> Section 72A was inserted by Part I, *ibid*

The governor shall not be a member of the legislative council but shall have the right of addressing the council and move for that purpose require the attendance of its members.

(2) The number of members of the governors' legislative councils shall be in accordance with the table set out in the First Schedule to this Act and of the members of each council not more than twenty per cent shall be official members and at least seventy per cent shall be elected members.

Provided that—

- (a) subject to the maintenance of the above proportions rules under this Act may provide for increasing the number of members of any council as specified in that schedule and
- (b) the governor may for the purpose of any Bill introduced or proposed to be introduced in his legislative council nominate in the case of Assam one person and in the case of other provinces not more than two persons having special knowledge or experience of the subject matter of the Bill and those persons shall in relation to the Bill have for the period for which they are nominated all the rights of members of the council and shall be in addition to the numbers above referred to and
- (c) members nominated to the legislative council of the Central Provinces by the governor as the result of elections held in the Assigned Districts of Bihar shall be deemed to be elected members of the legislative council of the Central Provinces.

(3) The powers of a governor's legislative council may be exercised notwithstanding any vacancy in the council.

(4) Subject as aforesaid provision may be made by rules under this Act as to—

- (a) the term of office of nominated members of governors' legislative councils and the manner of filling casual vacancies occurring by reason of absence of members from India in inability to attend to duty death acceptance of office resignation duly accepted or otherwise and
- (b) the conditions under which and manner in which persons may be nominated as members of governors' legislative councils and
- (c) the qualification of electors the constitution of constituencies and the method of election for governors' legislative council including the number of members to be elected by communal and other electorate and any matters incidental or ancillary thereto and

In the case of the Legislative Council of Burma this provision shall have effect as though 1 per cent were substituted for 0 per cent in section 22 dat 10th Jan 1911 in virtue of India Extraordinary Law 1911 S 1

- (d) the qualifications for being and for being nominated or elected a member of any such council, and
- (e) the final decision of doubts or disputes as to the validity of any election, and
- (f) the manner in which the rules are to be carried into effect

Provided that rules as to any such matters as aforesaid may provide for delegating to the local government such power as may be specified in the rules of making subsidiary regulations affecting the same matters

(5) Subject to any such rules any person who is a ruler or subject of any State in India may be nominated as a member of a governor's legislative council ]

<sup>1</sup>[**72B.** (1) Every governor's legislative council shall continue for three years from its first meeting

Provided that—

- (a) the council may be sooner dissolved by the governor, and
- (b) the said period may be extended by the governor for a period not exceeding one year, by notification in the official gazette of the province, if in special circumstances (to be specified in the notification) he so think fit, and
- (c) after the dissolution of the council the governor shall appoint a date not more than six months or, with the sanction of the Secretary of State, not more than nine months from the date of dissolution for the next session of the council

(2) A governor may appoint such times and places for holding the sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council

(3) Any meeting of a governor's legislative council may be adjourned by the person presiding

(4) All questions in a governor's legislative council shall be determined by a majority of votes of the members present other than the person presiding, who shall, however, have and exercise a casting vote in the case of an equality of votes ]

<sup>1</sup>[**72C.** (1) There shall be a president of a governor's legislative council, who shall, until the expiration of a period of four years from the first meeting of the council as constituted under this Act, be a person appointed by the governor, and shall thereafter be a member of the council elected by the council and approved by the governor

Provided that, if at the expiration of such period of four years the council is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the next ensuing session

<sup>1</sup> Sections 72B and 72C were inserted by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

(2) There shall be a deputy president of a governor's legislative council who shall preside at meetings of the council in the absence of the president and who shall be a member of the council elected by the council and approved by the governor

(3) The appointed president of a council shall hold office until the date of the first election of a president by the council under this section, but he may resign office by writing under his hand addressed to the governor or may be removed from office by order of the governor and any vacancy occurring before the expiration of the term of office of an appointed president shall be filled by a similar appointment for the remainder of such term

(4) An elected president and a deputy president shall cease to hold office on ceasing to be members of the council. They may resign office by writing under their hands addressed to the governor and may be removed from office by a vote of the council with the concurrence of the governor

(5) The president and the deputy president shall receive such salaries as may be determined in the case of an appointed president by the governor and in the case of an elected president or deputy president by Act of the local legislature.]

<sup>1</sup>[72D] (1) The provisions contained in this section shall have effect with respect to business and procedure in governor's legislative councils

(2) The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the council in each year and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the council in the form of demands for grants. The council may assent or refuse its consent to a demand or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed.

Provided that—

(a) the local government shall have power in relation to any such demand to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to if the demand relates to a reserved subject and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject and

(b) the governor shall have power in case of emergency to authorize such expenditure as may be in his opinion necessary for the safety or tranquillity of the province or for the carrying on of any department and

<sup>1</sup>Section 72D was inserted by Part I of Sch. II of Government of India Act 1919 (2 & 10 Geo 5 c 101).

(c) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the governor, communicated to the council

(3) Nothing in the foregoing sub-section shall require proposals to be submitted to the council relating to the following heads of expenditure —

- (i) contributions payable by the local government to the Governor-General in Council, and
- (ii) interest and sinking fund charges on loans, and
- (iii) expenditure of which the amount is prescribed by or under any law, and
- <sup>1</sup>[(iv) salaries and pensions payable to or to the dependants of—
  - (a) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council,
  - (b) judges of the high court of the province,
  - (c) the advocate-general,
  - (d) persons appointed before the first day of April, nineteen hundred and twenty-four, by the Governor-General in Council or by a local government to services or posts classified by rules under this Act as superior services or posts, and
- (v) sums payable to any person who is or has been in the civil service of the Crown in India under any order of the Secretary of State in Council, of the Governor-General in Council, or of a governor, made upon an appeal made to him in pursuance of rules made under this Act ]

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the governor shall be final

<sup>1</sup>[For the purposes of this subsection the expression 'salaries and pensions' includes remuneration, allowances, gratuities, any contributions (whether by way of interest or otherwise) out of the revenues of India to any provident fund or family pension fund, and any other payments or emoluments payable to or on account of a person in respect of his office ]

(4) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the governor may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it or of another province, and may direct that no proceedings or no further

<sup>1</sup> Paragraphs (iv) and (v) were substituted and this explanation added with effect from 31st March, 1924, by s. 1 of the Government of India (Civil Services) Act, 1925 (15 & 16 Geo 5, c 83), *infra*.

proceedings shall be taken by the council in relation to the Bill clause or amendment and effect shall be given to any such direction.

(5) Provision may be made by rules under this Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the council and as to the persons to preside over meetings thereof in the absence of the president and deputy-president and the preservation of order at meetings and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in the council in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the governor in council but may subject to the assent of the governor be altered by the local legislature. Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall to the extent of that repugnancy but not otherwise be void.

(7) Subject to the rules and standing orders affecting the council there shall be freedom of speech in the governors legislative councils. No person shall be liable to any proceedings in any court by reason of his speech or vote in any such council or by reason of anything contained in any official report of the proceedings of any such council.]

Provision for  
case of failure  
to pass legis-  
lation in  
governor's  
legislative  
councils.

<sup>1</sup>[72E (1) Where a governor's legislative council has refused leave to introduce or has failed to pass in a form recommended by the governor any Bill relating to a reserved subject the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject and thereupon the Bill shall notwithstanding that the council have not consented thereto be deemed to have passed and shall on signature by the governor become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor.

(2) Every such Act shall be expedited to be made by the governor and the governor shall forthwith send an authentic copy thereof to the Governor-General who shall reserve the Act for the signification of His Majesty's pleasure and upon the signification of such a sent by His Majesty in Council and the notification thereof by the Governor-General the Act shall have the same force and effect as an Act passed by the local legislature and duly enacted to:

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action he may instead of re-

serving such Act, signify his assent thereto, and thereupon the Act shall have such force and effect as aforesaid, subject however to disallowance by His Majesty in Council.

(3) An Act made under this section shall, as soon as practicable after being made, be laid before each House of Parliament, and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat ]

*(b) Lieutenant-Governors' and Chief Commissioners' Provinces*

73. (1) For purposes of legislation, the council of <sup>1\*</sup> \* \* a Legislative lieutenant-governor having an executive council shall consist of the councils of members of his executive council <sup>2</sup>[and of members nominated or elected as hereinafter provided]

<sup>3</sup>(2) \* \* \* \* \*

(3) The legislative council of a lieutenant-governor not having an executive council, or of a chief commissioner, shall consist of members nominated or elected <sup>4</sup>[as hereinafter provided]

<sup>5</sup>(f) \* \* \* \* \*

74. [Constitution of legislative councils in Bengal, Madras and Bombay]—Omitted by Part II of Schedule II of 9 & 10 Geo 5, c 101

75. [Meetings of legislative councils of Bengal, Madras and Bombay]—Omitted by Part II of Schedule II of 9 & 10 Geo 5, c 101

76. (1) The number of members nominated or elected to the legislative council of a lieutenant-governor or chief commissioner, the number of such members required to constitute a quorum, the term of office of such members, and the manner of filling casual vacancies occurring by reason of absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise shall, in the case of each such council, be such as may be prescribed by rules made under this <sup>6</sup>[section]

<sup>7</sup>[Provided that the number of members so nominated or elected shall not, in the case of the legislative council of a lieutenant-governor, exceed one hundred ]

<sup>1</sup> The words "a governor, or of" were omitted by Part II of Sch II, *ibid*

<sup>2</sup> These words were substituted for the words "with the addition of members nominated or elected in accordance with rules made under this Act" by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>3</sup> Sub-section (2) was omitted by Part III, *ibid*

<sup>4</sup> These words were substituted for the words "in accordance with rules made under this Act" by Part II, *ibid*

<sup>5</sup> Sub-section (4) was omitted by *ibid*

<sup>6</sup> This word was substituted for the word "Act" by *ibid*

<sup>7</sup> This proviso was substituted by *ibid*

(2) At least one-third of the persons so nominated or elected to the legislative council of a lieutenant-governor or chief commissioner must be <sup>1</sup>[non-officials]

(3) The Governor General in Council may with the approval of the Secretary of State in Council make rules as to the conditions under which and manner in which persons resident in India may be nominated or elected members of any of those legislative councils and as to the qualifications for being and for being nominated or elected a member of any of those councils and as to any other matter for which rules are authorised to be made under this section and as to the manner in which those rules are to be carried into effect

<sup>2</sup>[(3a) Rules made under this section may provide for the final decision of doubts or disputes as to the validity of an election.]

<sup>3</sup>[(3b) Subject to any rules made under this section any person who is a ruler or subject of any state in India shall be eligible to be nominated a member of a legislative council ]

(4) All rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and those rules shall not be subject to repeal or alteration by the <sup>3</sup>[Indian legislature or the local legislature]

Power to constitute local legislatures in Lieutenant-governors and chief commissioners' provinces.

77 (1) When a new lieutenant governorship is constituted under this Act the Governor-General in Council may by notification with the sanction of His Majesty previously signified by the Secretary of State in Council constitute the lieutenant governor in legislative council of the province as from a date specified in the notification a local legislature<sup>4</sup> for that province and define the limits of the province for which the lieutenant governor in legislative council is to exercise legislative powers

(2) The Governor General in Council may by notification extend the provisions of this Act relating to legislative councils of lieutenant governors subject to such modifications and adaptations as he may consider necessary to any province for the time being under a chief commissioner

Meetings of legislative councils of lieutenant governors and chief commissioners.

78 (1) <sup>5</sup>[A lieutenant governor or a chief commissioner who has a legislative council may appoint such times and places for holding the

<sup>1</sup>This word was substituted for the words persons not in the civil or military service of the Crown in India by <sup>6</sup>Act 10 Geo 5 c 3.

Sub-sections (1) and (3b) were inserted by section 1 (2) of the Government of India (Amendment) Act 1916 (6 & 7 Geo 5 c 3).

These words were substituted for the word Governor-General in Legislative Council by Part II of Sch II of the Government of India Act 1919 (9 & 10 Geo 5 c 101).

For notification creating the province of Cooch Behar a local legislature and extending to that province the provisions of the Act relating to legislative council of Bengal see Gazette of India Extraordinary No 1 p 79 and Gazette of India No 1 pt 1 p 7.

This word was substituted by Part II of Sch II of the Government of India Act 1919 (9 & 10 Geo 5 c 1).

sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council, and any meeting of the legislative council of a lieutenant-governor or chief commissioner may be adjourned by the person presiding ] Every lieutenant-governor who has no executive council, and every chief commissioner who has a legislative council, shall appoint a member of his legislative council to be vice-president thereof

(2) In the absence of the lieutenant-governor or chief commissioner from any meeting of his legislative council the person to preside thereat shall be the vice-president of the council, or, in his absence, the member of the council who is highest in official rank among those holding office under the Crown who are present at the meeting, or, during the discussion of the annual financial statement or of any matter of general public interest <sup>1</sup>[or when questions are asked], the vice-president or the member appointed to preside <sup>2\*</sup> \* \*

<sup>3</sup>[(3) All questions at a meeting of the legislative council of a lieutenant-governor or chief commissioner shall be determined by a majority of votes of the members present other than the lieutenant-governor, chief commissioner, or presiding member, who shall, however, have and exercise a casting vote in case of an equality of votes ]

<sup>3</sup>[(4) Subject to rules affecting the council, there shall be freedom of speech in the legislative councils of lieutenant-governors and chief commissioners No person shall be liable to any proceedings in any court by reason of his speech or vote in those councils, or by reason of anything contained in any official report of the proceedings of those councils ]

79. [*Powers of local legislatures*]—Omitted by Part II of Sch II of 9 & 10 Geo 5, Ch 101

80 (1) At a meeting of a local legislative council <sup>4</sup>[(other than a governor's legislative council)] no motion shall be entertained other than a motion for leave to introduce a measure into the council for the purpose of enactment, or having reference to a measure introduced or proposed to be introduced into the council for that purpose, or having reference to some rule for the conduct of business in the council, and no business shall be transacted other than the consideration of those motions or the alteration of those rules

<sup>5</sup>(2) \* \* \* \*

(3) Notwithstanding anything in the foregoing provisions of this section, the local government <sup>4</sup>[of a province other than a governor's

<sup>1</sup> These words were inserted by Sch I of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37)

<sup>2</sup> The words "in accordance with rules made under this Act" were omitted by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>3</sup> Sub-sections (3) and (4) were substituted for sub-section (3) by *ibid*

<sup>4</sup> These words were inserted by *ibid*

<sup>5</sup> Sub-section (2) was omitted by *ibid*

province] may with the sanction of the Governor General in Council make rules authorising at any meeting of the local legislative council the discussion of the annual financial statement of the local government and of any matter of general public interest and the asking of questions, under such conditions and restrictions as may be prescribed in the rules. Rules made under this sub-section for any council may provide for the appointment of a member of the council to preside at any such discussion [or when questions are asked] in the place of the lieutenant-governor or chief commissioner as the case may be and of the vice-president and shall be laid before both Houses of Parliament as soon as may be after they are made and shall not be subject to repeal or alteration by the [Indian legislature] or the local legislature.

\*[(4) The local Government of any province (other than a governor's province) for which a local legislative council is hereafter constituted under this Act shall before the first meeting of that council and with the sanction of the Governor General in Council make rules for the conduct of legislative business in that council (including rules for prescribing the mode of promulgation and authentication of laws passed by that council)]

\*[(5) The local legislature of any such province may subject to the assent of the lieutenant-governor or chief commissioner alter the rules for the conduct of legislative business in the local council (including rules prescribing the mode of promulgation and authentication of laws passed by the council) but any alteration so made may be disallowed by the Governor General in Council and if so disallowed shall have no effect.]

#### (c) General

Powers of  
local legis-  
latures.

\*[80A. (1) The local legislature of any province has power subject to the provisions of this Act to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local legislature of any province may subject to the provisions of the sub-section next following repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature.

These words were inserted by Sch. I of the Government of India (Amendment) Act 1916 (6 & 7 Geo. 5 c. 101).

The word "governor" was omitted by Part II of Sch. II of the Government of India Act 1919 (1 A 10 Geo. 5 c. 101).

These words were substituted for the word "Governor" as contained in the Indian Council Act 1861.

Sub-section (3) was inserted by Sch. I.

Sub-section (4) was inserted by Sch. I.

Section 81A was inserted by Part I of Sch. II of the Government of India Act 1916 (1 A 10 Geo. 5 c. 101).

(3) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

- (a) imposing or authorising the imposition of any new tax unless
  - the tax is a tax scheduled as exempted from this provision
  - by rules made under this Act, or
- (b) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty, or
- (c) affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces, or
- (d) affecting the relations of the government with foreign princes or states, or
- (e) regulating any central subject, or
- (f) regulating any provincial subject which has been declared by rules under this Act to be, either in whole or in part, subject to legislation by the Indian legislature in respect of any matter to which such declaration applies, or
- (g) affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force, or
- (h) altering or repealing the provisions of any law which, having been made before the commencement of the Government of India Act, 1919, by any authority in British India other than that local legislature, is declared by rules under this Act to be a law which cannot be repealed or altered by the local legislature without previous sanction, or
- (i) altering or repealing any provision of an Act of the Indian legislature made after the commencement of the Government of India Act, 1919, which by the provisions of such first-mentioned Act may not be repealed or altered by the local legislature without previous sanction

Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act

(4) The local legislature of any province has not power to make any law affecting any Act of Parliament ]

<sup>1</sup>[**80B.** An official shall not be qualified for election as a member of a local legislative council, and if any non-official member of a local legislative council, whether elected or nominated, accepts any office in the

Vacation of  
seats in local  
legislative  
councils

<sup>1</sup> Section 80B was inserted by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

service of the Crown in India his seat on the council shall become vacant

Provided that for the purposes of this provision a minister shall not be deemed to be an official and a person shall not be deemed to accept office on appointment as a minister ]

**Financial proposals.**

[**80C** It shall not be lawful for any member of any local legislative council to introduce without the previous sanction of the governor, lieutenant-governor or chief commissioner any measure affecting the public revenues of a province or imposing any charge on those revenues ]

**Assent to Bills.**

**81.** (1) When [**a Bill**] has been passed [**by**] a local legislative council the governor lieutenant-governor or chief commissioner \* \* \* \* may declare that he assents to or withdraws his assent from the [**Bill**]

(2) If the governor lieutenant-governor or chief commissioner withdraws his assent from any such [**Bill**] the [**Bill**] shall not become an Act]

(3) If the governor lieutenant-governor or chief commissioner assents to any such [**Bill**] he shall forthwith send an authentic copy of the Act to the Governor General and the Act shall not have validity until the Governor-General has assented thereto and that assent has been signified by the Governor-General to and published by the governor lieutenant-governor or chief commissioner

(4) Where the Governor General withdraws his assent from any such Act he shall signify to the governor lieutenant-governor or chief commissioner in writing his reason for so withholding his assent

**Return and reservation of Bills.**

[**81A.** (1) Where a Bill has been passed by a local legislative council the governor lieutenant-governor or chief commissioner may instead of declaring that he assents to or withdraws his assent from the Bill return the Bill to the council for reconsideration either in whole or in part together with any amendments which he may recommend or, in cases prescribed by rules under this Act may and if the rules so require shall reserve the Bill for the consideration of the Governor General

(2) Where a Bill is reserved for the consideration of the Governor General the following provisions shall apply —

(a) The governor lieutenant-governor or chief commissioner may at any time within six months from the date of the reservation of the Bill withdraw the consent of the Governor

<sup>1</sup> Section 80C was inserted by Part I of Sch II of the Government of India Act 1919 (9 & 10 Geo 5 c 101)

These words were substituted for the word "an act" by Part II of

This word was substituted for the words "at a meeting of" by Part II

The words "whether he was or was not present in council at the passing of the Act" were omitted by Part III of

This word was substituted for the word "Act" by Part II of

These words were substituted for the word "has no effect" by Part II

Section 81A was inserted by Part I of

General, return the Bill for further consideration by the council with a recommendation that the council shall consider amendments thereto

- (b) After any Bill so returned has been further considered by the council, together with any recommendations made by the governor, lieutenant-governor or chief commissioner relating thereto, the Bill, if re-affirmed with or without amendment, may be again presented to the governor, lieutenant-governor or chief commissioner
- (c) Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, in the same way as a Bill assented to by the governor, lieutenant-governor or chief commissioner, but if not assented to by the Governor-General within such period of six months, shall lapse and be of no effect unless before the expiration of that period either—
  - (i) the Bill has been returned by the governor, lieutenant-governor or chief commissioner for further consideration by the council, or
  - (ii) in the case of the council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session

(3) The Governor-General may (except where the Bill has been reserved for his consideration), instead of assenting to or withholding his assent from any Act passed by a local legislature, declare that he reserves the Act for the signification of His Majesty's pleasure thereon, and in such case the Act shall not have validity until His Majesty in Council has signified his assent and his assent has been notified by the Governor-General ]

**82.** (1) When <sup>1</sup>[an Act] has been assented to by the Governor-General, he shall send to the Secretary of State an authentic copy thereof, and it shall be lawful for His Majesty <sup>2</sup>[in Council] to signify <sup>Power of  
Crown to dis-  
allow Acts of  
local legisla-  
tures]</sup> his disallowance of <sup>1</sup>[the Act]

(2) Where the disallowance of <sup>1</sup>[an Act] has been so signified, the governor, lieutenant-governor or chief commissioner shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly

**83.** [*Rules for conduct of legislative business*]—Omitted by Part II of Schedule II of 9 & 10 Geo 5, Ch 101

<sup>1</sup> These words were substituted for the words "any such Act" by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> These words were inserted by *ibid*

<sup>3</sup> The words "through the Secretary of State in Council" were omitted by *ibid*

## *Validity of Indian Laws*

**Removal of  
doubts as to  
validity of  
certain  
Indian law.**

**84 (1)** A law made by any authority in British India shall not be deemed invalid solely on account of any one or more of the following reasons —

- (a) in the case of <sup>1</sup>[an Act of the Indian legislature] \* [or a local legislature] because it affects the prerogative of the Crown or
- (b) in the case of any law because the requisite proportion of <sup>2</sup>[non-official members] was not complete at the date of its introduction into the council or its enactment or
- (c) in the case of <sup>3</sup>[an Act of] a local legislature because it confers on magistrates being justices of the peace the same jurisdiction over European British subjects as that legislature by Acts duly made could lawfully confer on magistrates in the exercise of authority over other British subjects in the like cases

<sup>2</sup>[A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy but not otherwise be void.]

<sup>5(2)</sup> Nothing in the Government of India Act 1910 or this Act or <sup>5 and</sup> in any rule made thereunder shall be construed as diminishing in any respect the powers of the Indian legislature as laid down in section sixty five of this Act and the validity of any Act of the Indian legislature or any local legislature shall not be open to question in any legal proceedings on the ground that the Act affects a provincial subject or a central subject as the case may be and the validity of any Act made by the governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject.]

## PART VI A

### **STATUTORY COMMISSION**

[84A.] (1) At the expiration of ten years after the passing of the past Government of India Act, 1919, the Secretary of State with the con-

These words were substituted for the word "a law made by the Governor General in Legislative Council" by Part II of Section 111 of the Government of India Act 1919 (D & 10 Geo. 5 c. 101).

( ) of the Government of India

The word "were" substituted for the word "members not holding office and a  
the Crown in July 1914, Part II of Sch. II of the Constitution of India Act 1919  
(Q. 10 Geo. V c. 11).

These words were substituted for the word *always* by 17%.

These were were constituted for the year 1947-48 by the  
The subsection on was inserted by Part I of Sch. II of the Government of India  
Act 1947 dated 16th June 1947.

currence of both Houses of Parliament shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section.

(2) The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government or to extend, modify or restrict the degree of responsible government then existing therein including the question whether the establishment of second chambers of the local legislatures is or is not desirable.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by His Majesty.]

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## PART VII

### SALARIES, LEAVE OF ABSENCE, VACATION OF OFFICE, APPOINTMENTS, ETC.

85. (1) There shall be paid to the Governor-General of India, and to the other persons mentioned in the Second Schedule to this Act, out of the revenues of India such salaries, not exceeding in any case the maximum specified in that behalf in that Schedule, and such allowances (if any) for equipment and voyage, as the Secretary of State in Council may by order fix in that behalf, and, subject to or in default of any such order, as are payable at the commencement of this Act.

Salaries and allowances of Governor-General and certain other officials in India

(2) Provided as follows —

(a) an order affecting salaries of members of the Governor-General's executive council may not be made without the concurrence of a majority of votes at a meeting of the Council of India,

(b) if any person to whom this section applies holds or enjoys any pension or salary, or any office of profit under the Crown or under any public office, his salary under this section shall be reduced by the amount of the pension, salary or profits of office so held or enjoyed by him,

(c) nothing in the provisions of this section with respect to allowances shall authorise the imposition of any additional charge on the revenues of India.

(3) The remuneration payable to a person under this section shall commence on his taking upon himself the execution of his office, and

shall be the whole profit or advantage which he shall enjoy from his office during his continuance therein.

[Provided that nothing in this sub-section shall apply to the allowances or other forms of profit and advantage which may have been sanctioned for such persons by the Secretary of State in Council.]

*Power to grant leave of absence to Governor-General, etc.*

[**86** (1) The Secretary of State in Council may grant to the Governor General and on the recommendation of the Governor-General in Council to the Commander-in-Chief leave of absence for urgent reasons of public interest or of health or of private affairs.

(2) The Secretary of State in Council may on the recommendation of the Governor General in Council grant to a Governor and the Governor General in Council or a Governor in Council or a Lieutenant Governor in Council as the case may be, may grant to any member of his Executive Council (other than the Commander in Chief) leave of absence for urgent reasons of health or of private affairs.

(3) Leave of absence shall not be granted to any person in pursuance of this section for any period exceeding four months nor more than once during his tenure of office.

Provided that the Secretary of State in Council may if he thinks fit, extend any period of leave so granted but in any such case the reasons for the extension shall be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament.

(4) Where leave of absence is granted to any person in pursuance of this section he shall retain his office during the period of leave so originally granted or if that period is extended by the Secretary of State in Council during the period as so extended but if his absence exceeds that period his office shall be deemed to have become vacant in the case of a person granted leave for urgent reasons of public interest as from the termination of that period and in any other case as from the commencement of his absence.

(5) Where a person obtains leave of absence in pursuance of this section he shall be entitled to receive during his absence such leave allowances as may be prescribed by rules made by the Secretary of State in Council but if he does not resume his duties upon the termination of the period of the leave he shall unless the Secretary of State in Council otherwise directs repay in such manner as may be so prescribed as aforesaid any leave allowances received under this sub-section.

(6) If the Governor General or the Commander-in-Chief is granted leave for urgent reasons of public interest the Secretary of State in Council may in addition to the leave allowances to which he is entitled

This pro. was inserted by Part III of Sch II of the Government of India Act 1910 (1 & 10 Geo 5 c. 101).

Section 86 was substituted by s. 1 of the Government of India (Leave of Absence) Act 1914 (14 & 15 Geo 5 c. 29).

under this section, grant to him such further allowances in respect of travelling expenses as the Secretary of State in Council may think fit

(7) Rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made ]

<sup>1</sup>[87. (1) Where leave is granted in pursuance of the foregoing section to the Governor-General, or to the Commander-in-Chief, or to a Governor, a person shall be appointed to act in his place during his absence, and the appointment shall be made by His Majesty by warrant under the Royal Sign Manual. The person so appointed during the absence of the Commander-in-Chief may, if the Commander-in-Chief was a member of the Executive Council of the Governor-General, be also appointed by the Governor-General in Council to be a temporary member of that Council.

(2) The person so appointed shall, until the return to duty of the permanent holder of the office, or, if he does not return, until a successor arrives, hold and execute the office to which he has been appointed and shall have and may exercise all the rights and powers thereof and shall be entitled to receive the emoluments and advantages appertaining to the office, forego the emoluments and advantages (if any) to which he was entitled at the time of his being appointed to that office

(3) When during the absence on leave of the Governor-General a Governor is appointed to act in his place, the provisions of this section relating to the appointment of a person to act in the place of a Governor to whom leave of absence has been granted in pursuance of the foregoing section shall apply in the same manner as if leave of absence had been so granted to the Governor ]

88. [Conditional appointments]—Omitted by Pt III of Sch II of 9 & 10 Geo 5, c. 101

89. (1) If any person <sup>\*\* \* \*</sup> appointed <sup>\*\*</sup> to <sup>1</sup>[the office of Governor-General] is in India on or after the event on which he is to succeed, and thinks it necessary to exercise the powers of Governor-General before he takes his seat in council, he may make known by notification his appointment and his intention to assume the office of Governor-General

(2) After the notification, and thenceforth until he repairs to the place where the council may assemble, he may exercise alone all or any of the powers which might be exercised by the Governor-General in Council.

<sup>1</sup> Section 87 was substituted by s 1 of the Government of India (Leave of Absence) Act, 1924 (14 & 15 Geo 5, c 28)

<sup>2</sup> The words "entitled under a conditional appointment to succeed to the office of Governor-General or " were omitted by Part III of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>3</sup> The word "absolutely" was omitted by *ibid*

<sup>4</sup> These words were substituted for the words "that office" by *ibid*

(3) All acts done in the Council after the date of the notification, but before the communication thereof to the Council, shall be valid subject nevertheless, to revocation or alteration by the person who has assumed the office of Governor General

(4) When the office of Governor-General is assumed under the foregoing provision the vice-president, or if he is absent, the senior [member of the council (other than the Commander-in-Chief)] the present shall preside therein with the same powers as the Governor General would have had if present

Temporary  
vacancy in  
office of  
Governor  
General.

90 (1) If a vacancy occurs in the office of Governor General when there is no \*\* \* successor in India to supply the vacancy, the governor [of a presidency] who was first appointed to the office of governor [of a presidency] by His Majesty shall hold and execute the office of Governor General until a successor arrives or until some person in India is duly appointed thereto

(2) Every such acting Governor-General while acting as such, shall have and may exercise all the rights and powers of the office of Governor General and shall be entitled to receive the emoluments and advantages appertaining to the office foregoing the salary and allowances appropriate to his office of governor and his office of governor shall be supplied for the time during which he acts as Governor General in the manner directed by this Act with respect to vacancies in the office of governor

(3) If on the vacancy occurring it appears to the governor who by virtue of this section holds and executes the office of Governor-General necessary to exercise the powers thereof before he takes his seat in council he may make known by notification his appointment and his intention to assume the office of Governor-General and thereupon the provisions of [section eighty nine of this Act] \*\* \* shall apply

(4) Until such a governor has assumed the office of Governor General if no \*\* \* successor is on the spot to supply such vacancy, the vice-president or if he is absent the senior \*\* member of the executive council [(other than the Commander in Chief)] shall hold and execute the office of Governor-General until the vacancy is filled in accordance with the provisions of this Act

(5) Every vice-president or other member of Council so acting as Governor-General, while so acting shall have and may exercise all the

<sup>1</sup> These words were substituted for the words ordinary member of the Council by Part II of Sch II of the Government of India Act 1919 (9 & 10 Geo 5 c 101)

The words 'conditional or other' were omitted by Part III ibid

<sup>2</sup> These words were inserted by Part II ibid

<sup>3</sup> These words were substituted for the words this Act by Part III, PII

<sup>4</sup> The words respecting the assumption of the office by a person conditionally appointed to succeed thereto were omitted by ibid

The words conditional or other were omitted by ibid

The word ordinary was omitted by Part II ibid

<sup>5</sup> These words were inserted by ibid

rights and powers of the office of Governor-General, and shall be entitled to receive the emoluments and advantages appertaining to the office, foregoing his salary and allowances as member of council for that period.

91. (1) If a vacancy occurs in the office of governor when no successor is on the spot to supply the vacancy, the vice-president, or, if he is absent, the senior member of the governor's executive council, or, if there is no council, the chief secretary to the local government, shall hold and execute the office of governor until a successor arrives, or until some other person on the spot is duly appointed thereto.

(2) Every such acting governor shall, while acting as such, be entitled to receive the emoluments and advantages appertaining to the office of governor, foregoing the salary and allowances appertaining to his office of member of council or secretary

92. (1) If a vacancy occurs in the office of <sup>2</sup>[a member] of the executive council of the Governor-General <sup>3</sup>[(other than the Commander-in-Chief)], or a member of the executive council of a governor, and there is no <sup>1\*</sup> \* \* successor present on the spot, the Governor-General in Council, or governor in council, as the case may be, shall supply the vacancy by appointing a temporary member of council

(2) Until a successor arrives, the person so appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office, foregoing all emoluments and advantages to which he was entitled at the time of his being appointed to that office.

(3) If <sup>4</sup>[a member] of the executive council of the Governor-General <sup>3</sup>[(other than the Commander-in-Chief)] or any member of the executive council of a governor is, by infirmity or otherwise, rendered incapable of acting or of attending to act as such, or is absent on leave <sup>5</sup>[or special duty,] <sup>6\*</sup> \* \* the Governor-General in Council or governor in council, as the case may be, shall appoint some person to be a temporary member of council

<sup>7</sup>[(4) Until the return to duty of the member so incapable or absent, the person temporarily appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the

<sup>1</sup> The words "conditional or other" were omitted by Part III of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> These words were substituted for the words "an ordinary member" by Part II of Sch II, *ibid*

<sup>3</sup> These words were inserted by *ibid*

<sup>4</sup> These words were substituted for the words "any ordinary member" by Part II, *ibid*

<sup>5</sup> These words were inserted by Sch. I of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37)

<sup>6</sup> Certain words were omitted by Part III of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>7</sup> Sub-sections (4) and (4a) were substituted by s 2 of the Government of India (Leave of Absence) Act, 1924 (14 & 15 Geo 5, o 28)

Temporary  
vacancy in  
office of  
governor

(3) All acts done in the Council after the date of the notification, but before the communication thereof to the Council shall be valid, subject nevertheless, to revocation or alteration by the person who has assumed the office of Governor-General.

(4) When the office of Governor General is assumed under the foregoing provision the vice-president, or if he is absent the senior [member of the council (other than the Commander in-Chief)] then present shall preside therein with the same powers as the Governor General would have had if present.

Temporary  
vacancy in  
office of  
Governor  
General

90 (1) If a vacancy occurs in the office of Governor General when there is no \*\*\* successor in India to supply the vacancy the governor \*[of a presidency] who was first appointed to the office of governor \*[of a presidency] by His Majesty shall hold and execute the office of Governor-General until a successor arrives or until some person in India is duly appointed thereto.

(2) Every such acting Governor General while acting as such, shall have and may exercise all the rights and powers of the office of Governor General and shall be entitled to receive the emoluments and advantages appertaining to the office foregoing the salary and allowances appropriate to his office of governor and his office of governor shall be supplied for the time during which he acts as Governor-General, in the manner directed by this Act with respect to vacancies in the office of governor.

(3) If on the vacancy occurring it appears to the governor who by virtue of this section holds and executes the office of Governor-General necessary to exercise the powers thereof before he takes his seat in council he may make known by notification his appointment and his intention to assume the office of Governor-General and thereupon the provisions of [section eighty-nine of this Act] \*\*\* shall apply.

(4) Until such a governor has assumed the office of Governor General if no \*\*\* successor is on the spot to supply such vacancy, the vice-president or if he is absent the senior [member of the executive council [(other than the Commander in Chief) ] shall hold and execute the office of Governor-General until the vacancy is filled in accordance with the provisions of this Act.

(5) Every vice-president or other member of Council so acting as Governor-General, while so acting shall have and may exercise all the

<sup>1</sup> These words were substituted for the words ordinary member of the Council by Part II of Sch. II of the Government of India Act 1919 (9 & 10 Geo. 5 c 101).

The words 'conditional or other' were omitted by Part III ibid.

\* These words were inserted by Part II ibid.

\* These words were substituted for the words this Act by Part III, ibid.

\* The words respecting the assumption of the office by a person conditionally appointed to succeed thereto were omitted by ibid.

The words 'conditional or other' were omitted by ibid.

The word 'ordinary' was omitted by Part II ibid.

These words were inserted by ibid.

rights and powers of the office of Governor-General, and shall be entitled to receive the emoluments and advantages appertaining to the office, foregoing his salary and allowances as member of council for that period.

91. (1) If a vacancy occurs in the office of governor when no successor is on the spot to supply the vacancy, the vice-president, or, if he is absent, the senior member of the governor's executive council, or, if there is no council, the chief secretary to the local government, shall hold and execute the office of governor until a successor arrives, or until some other person on the spot is duly appointed thereto.

(2) Every such acting governor shall, while acting as such, be entitled to receive the emoluments and advantages appertaining to the office of governor, foregoing the salary and allowances appertaining to his office of member of council or secretary

92. (1) If a vacancy occurs in the office of <sup>2</sup>[a member] of the executive council of the Governor-General <sup>3</sup>[(other than the Commander-in-Chief)], or a member of the executive council of a governor, and there is no <sup>1\*</sup> \* \* successor present on the spot, the Governor-General in Council, or governor in council, as the case may be, shall supply the vacancy by appointing a temporary member of council

(2) Until a successor arrives, the person so appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office, foregoing all emoluments and advantages to which he was entitled at the time of his being appointed to that office.

(3) If <sup>4</sup>[a member] of the executive council of the Governor-General <sup>3</sup>[(other than the Commander-in-Chief)] or any member of the executive council of a governor is, by infirmity or otherwise, rendered incapable of acting or of attending to act as such, or is absent on leave <sup>5</sup>[or special duty,] <sup>6\*</sup> \* \* the Governor-General in Council or governor in council, as the case may be, shall appoint some person to be a temporary member of council.

<sup>7</sup>[(4) Until the return to duty of the member so incapable or absent, the person temporarily appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the

<sup>1</sup> The words "conditional or other" were omitted by Part III of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> These words were substituted for the words "an ordinary member" by Part II of Sch II, *ibid*

<sup>3</sup> These words were inserted by *ibid*

<sup>4</sup> These words were substituted for the words "any ordinary member" by Part II, *ibid*

<sup>5</sup> These words were inserted by Sch I of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37)

<sup>6</sup> Certain words were omitted by Part III of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>7</sup> Sub-sections (4) and (4a) were substituted by s 2 of the Government of India (Leave of Absence) Act, 1924 (14 & 15 Geo 5, c 28)

rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office foregoing the emoluments and advantages (if any) to which he was entitled at the time of his being appointed to that office

(4a) When a member of an Executive Council is by infirmity or otherwise rendered incapable of acting or attending to act as such and a temporary member of council is appointed in his place the absent member shall be entitled to receive half his salary for the period of his absence ]

(5) Provided as follows —

(a) no person may be appointed a temporary member of council who might not have been appointed \* \* \* to fill the vacancy supplied by the temporary appointment and

(b) if the Secretary of State informs the Governor General that it is not the intention of His Majesty to fill a vacancy in the Governor General's executive council no temporary appointment may be made under this section to fill the vacancy, and if now such temporary appointment has been made before the date of the receipt of the information by the Governor General the tenure of the person temporarily appointed shall cease from that date

Vacancies in  
legislative  
councils.

93 (1) A nominated or elected member of [either chamber of the Indian legislature] or of a local legislative council may resign his office to the Governor General or to the governor, lieutenant-governor or chief commissioner as the case may be and on the acceptance of the resignation the office shall become vacant

(2) If for a period of two consecutive months any such member is absent from India or unable to attend to the duties of his office the Governor General, governor, lieutenant-governor or chief commissioner as the case may be may by notification published in the government gazette declare that the seat in council of that member has become vacant

Leave

94 Subject to the provisions of this Act the Secretary of State in Council may with the concurrence of a majority of votes at a meeting of the Council of India make rules as to the absence on leave [or paid duty] of persons in the service of the Crown in India and the terms as to continuance, variation or cessation of pay, salary and allowances on which any such [absence may be permitted]

The word "and a day" were omitted by Part II of Sch. II to the Government of India Act 1910 (G.A. 10 Geo. 5. 1910).

These words were substituted for the word "the Indian Legislative Council" by Part II of Sch. I of the Government of India Act 1910 (G.A. 10 Geo. 5. 1910).

These words were inserted by Sch. I of the Government of India Act 1910 (G.A. 10 Geo. 5. 1910).

These words were substituted for the word "Leave on leave granted" by Part II of Sch. I of the Government of India Act 1910 (G.A. 10 Geo. 5. 1910).

**95.** (1) The Secretary of State in Council, with the concurrence of a majority of votes at a meeting of the Council of India, may make rules for distributing between the several authorities in India the power of making appointments to and promotions in <sup>1</sup>[military] offices under the Crown in India, and may reinstate <sup>1</sup>[military] officers and servants suspended or removed by any of those authorities.

(2) Subject to such rules, all appointments to <sup>1</sup>[military] offices and commands in India, and all <sup>1</sup>[military] promotions, which, by law, or under any regulations, usage or custom, are, at the commencement of this Act, made by any authority in India, shall, subject to the qualifications, conditions and restrictions then affecting such appointments and promotions, respectively, continue to be made in India by the like authority.

**96.** No native of British India, nor any subject of His Majesty's resident, therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any office under the Crown in India.

**2[96A.]** Notwithstanding anything in any other enactment, the Governor-General in Council, with the approval of the Secretary of State in Council, may, by notification, declare that, subject to any conditions or restrictions prescribed in the notification, any named ruler or subject of any state in India shall be eligible for appointment to any civil or military office under the Crown to which a native of British India may be appointed, or any named subject of any state, or any named member of any independent race or tribe, in territory adjacent to India, shall be eligible for appointment to any such military office.]

## PART VIIA.

### THE CIVIL SERVICES IN INDIA

**3[96B.]** (1) Subject to the provisions of this Act and of rules made thereunder, every person in the civil service of the Crown in India holds office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed.

If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a governor's

<sup>1</sup> This word was inserted by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

<sup>2</sup> Section 96A was inserted by section 3 of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37).

<sup>3</sup> Section 96B was inserted by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

province and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may without prejudice to any other right of redress, complain to the governor of the province in order to obtain justice, and the governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable.

(2) The Secretary of State in Council may make rules for regulating the classification of the civil services in India the methods of their recruitment their conditions of service pay and allowances and discipline and conduct. Such rules may to such extent and in respect of such matters as may be prescribed delegate the power of making rules to the Governor-General in Council or to local governments or authorise the Indian legislature or local legislatures to make laws regulating the public services.

Provided that every person appointed before the commencement of the Government of India Act 1919 by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable.

(3) The right to pensions and the scale and conditions of pensions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of the Government of India Act 1919. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof.

Nothing in this section or in any rule thereunder shall prejudice the rights to which any person may or may have become entitled under the provisions in relation to pensions contained in the East Indian Annuity Fund Act 1874.

(4) For the removal of doubt it is hereby declared that all rules or other provisions in operation at the time of the passing of the Government of India Act 1919 whether made by the Secretary of State in Council or by any other authority relating to the civil service of the Crown in India were duly made in accordance with the powers in that behalf and are confirmed but any such rules or provisions may be revoked varied or added to by rules or laws made under this section.]

<sup>1</sup>[(5) No rules or other provisions made or confirmed under this section shall be construed to limit or abridge the power of the Secretary of State in Council to deal with the case of any person in the civil service of the Crown in India in such manner as may appear to him to be just]

<sup>1</sup>This sub-section was added by s. 2 of the Government of India (Civil Services) Act 1913 (15 & 16 Geo. 5 c. 83) infra.

and equitable, and any rules made by the Secretary of State in Council under sub-section (2) of this section delegating the power of making rules may provide for dispensing with or relaxing the requirements of such rules to such extent and in such manner as may be prescribed.

Provided that where any such rule or provision is applicable to the case of any person the case shall not be dealt with in any manner less favourable to him than that provided by the rule or provision ]

<sup>1</sup>[96C. (1) There shall be established in India a public service commission, consisting of not more than five members, of whom one shall be chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be re-appointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for appointment, and the pay and pension (if any) attaching to the office of chairman and member, shall be prescribed by rules made by the Secretary of State in Council]

(2) The public service commission shall discharge, in regard to recruitment and control of the public services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council ]

<sup>1</sup>[96D. (1) An auditor-general in India shall be appointed by the Secretary of State in Council, and shall hold office during His Majesty's pleasure. The Secretary of State in Council shall, by rules, make provision for his pay, powers, duties, and conditions of employment, or for the discharge of his duties in the case of a temporary vacancy or absence from duty]

(2) Subject to any rules made by the Secretary of State in Council, no office may be added to or withdrawn from the public service, and the emoluments of no post may be varied, except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Government of India, according as the post is or is not under the control of a local government ]

<sup>2</sup>[96E. Rules made under this Part of this Act shall not be made except with the concurrence of the majority of votes at a meeting of the Council of India ]

## PART VIII

### THE INDIAN CIVIL SERVICE

97. (1) The Secretary of State in Council may, with the advice and assistance of the Civil Service Commissioners, make rules for the examination, under the superintendence of those Commissioners, of

Rules for admission to the Indian Civil Service

<sup>1</sup> Section 96C and 96D were inserted by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup> Section 96E was inserted by *ibid*

British subjects<sup>1</sup> [and of persons in respect of whom a declaration has been made under<sup>2</sup> section 96A of this Act] who are desirous of becoming candidates for appointment to the Indian Civil Service

(2) The rules shall prescribe the age and qualifications of the candidates and the subjects of examination

<sup>3</sup>[(2a) The admission to the Indian Civil Service of a British subject who or whose father or mother was not born within His Majesty's dominions shall be subject to such restrictions as the Secretary of State in Council with the advice and assistance of the Civil Service Commissioners, may think fit to prescribe and all such restrictions shall be included in the rules]

(3) All rules made in pursuance of this section shall be laid before Parliament within fourteen days after the making thereof or if Parliament is not then sitting then within fourteen days after the next meeting of Parliament

(4) The candidates certified to be entitled under the rules shall be recommended for appointment according to the order of their proficiency as shown by their examination

(5) Such persons only as are so certified may be appointed or admitted to the Indian Civil Service by the Secretary of State in Council

<sup>4</sup>[(6) Notwithstanding anything in this section the Secretary of State<sup>5</sup> [in Council] may make appointments to the Indian Civil Service of persons domiciled in India in accordance with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India

Any rules made under this sub-section shall not have force until they have been laid for thirty days before both Houses of Parliament]

98 Subject to the provisions of this Act all vacancies happening in any of the offices specified or referred to in the Third Schedule to this Act and all such offices which may be created hereafter shall be filled from amongst the members of the Indian Civil Service.

99 (1) The authorities in India by whom appointments are made to offices in the Indian Civil Service may appoint to any such office any person of proved merit and ability domiciled in British India and born<sup>6</sup> \* of parents habitually resident in India and not established there

These words were inserted by section 4 of the Government of India (Amendment) Act 1916 (G & G Geo 5 c 3)

The words figures and letter section 96A of this Act were substituted for the words the last foregoing section by Part II of Sch II of the Government of India Act 1919 (G & 10 Geo 5, c 101)

This sub-section was inserted by section 4 of the Government of India (Amendment) Act 1916 (G & G Geo 5 c 3)

This sub-section was inserted by Part I of Sch II of the Government of India Act 1919 (G & 10 Geo 5, c 101)

These words were inserted by s. 1 of the Governor-in-Chief's (Civil Services) Act 1919 L & 10 Geo 5 c 101, i. e. 1919

The words in British India were repealed by Sch I of the Civil Services (Amendment) Act 1916 (G & G Geo 5 c 3)

for temporary purposes only, although the person so appointed has not been admitted to that service in accordance with the foregoing provisions of this Act.

(2) Every such appointment shall be made subject to such rules as may be prescribed by the Governor-General in Council and sanctioned by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India

(3) The Governor-General in Council may, by resolution, define and limit the qualification of persons who may be appointed under this section, but every resolution made for that purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament

**100.** (1) Where it appears to the authority in India by whom an appointment is to be made to any office reserved to members of the Indian Civil Service, that a person not being a member of that service ought, under the special circumstances of the case, to be appointed thereto, the authority may appoint thereto any person who has resided for at least seven years in India and who has, before his appointment, fulfilled all the tests (if any) which would be imposed in the like case on a member of that service.

Power to  
make pro-  
visional  
appointments  
in certain  
cases.

(2) Every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State, with the special reasons for making it; and, unless the Secretary of State in Council approves the appointment, with the concurrence of a majority of votes at a meeting of the Council of India, and within twelve months from the date of the appointment intimates such approval to the authority by whom the appointment was made, the appointment shall be cancelled.

## PART IX.

### THE INDIAN HIGH COURTS.

#### *Constitution*

**101.** (1) The high courts referred to in this Act are the high courts of judicature for the time being established in British India by letters patent.

(2) Each high court shall consist of a chief justice and as many other judges as His Majesty may think fit to appoint Provided as follows.—

(i) the Governor-General in Council may appoint persons to act as additional judges of any high court, for such period, not exceeding two years, as may be required; and the judges

so appointed shall, whilst so acting, have all the powers of a judge of the high court appointed by His Majesty under this Act

(ii) the maximum number of judges of a high court including the chief justice and additional judges shall be twenty

(3) A judge of a high court must be—

(a) a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland, of not less than five years standing or

(b) a member of the Indian Civil Service of not less than ten years standing and having for at least three years served as, or exercised the powers of a district judge or

(c) a person having held judicial office not inferior to that of a subordinate judge or a judge of a small cause court for a period of not less than five years, or

<sup>1</sup>[(d) a person who has been a pleader of one of the high courts referred to in this Act or of any court which is a high court within the meaning of clause (24) of section 3 of the Act of the Indian Legislature known as the General Clauses Act 1897 for an aggregate period of not less than ten years ]

(4) Provided that not less than one-third of the judges of a high court including the chief justice but excluding additional judges must be such barristers or advocates as aforesaid and that not less than one-third must be members of the Indian Civil Service

(5) The high court for the North Western Provinces may be styled the high court of judicature at Allahabad and the high court at Fort William in Bengal is in this Act referred to as the high court at Calcutta

**Tenure of office of judges of high courts**  
102. (1) Every judge of a high court shall hold his office during His Majesty's pleasure

(2) Any such judge may resign his office in the case of the high court at Calcutta to the Governor-General in Council and in other cases to the local government

**Rank and precedence of judges of high courts**  
103. (1) The chief justice of a high court shall have rank and precedence before the other judges of the same court

(2) All the other judges of a high court shall have rank and precedence according to the seniority of their appointment unless otherwise provided in their patents

**104.** (1) The Secretary of State in Council may fix the salaries, allowances, furloughs, retiring pensions and (where necessary) expenses for equipment and voyage, of the chief justices and other judges of the several high courts, and may alter them, but any such alteration shall not affect the salary of any judge appointed before the date thereof.

Salaries, etc.,  
of judges of  
high courts

(2) The remuneration fixed for a judge under this section shall commence on his taking upon himself the execution of his office, and shall be the whole profit or advantage which he shall enjoy from his office during his continuance therein

(3) If a judge of a high court dies during his voyage to India, or within six months after his arrival there, for the purpose of taking upon himself the execution of his office, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, such a sum of money as will, with the amount received by or due to him at the time of his death on account of salary, make up the amount of one year's salary

(4) If a judge of a high court dies while in possession of his office and after the expiration of six months from his arrival in India for the purpose of taking upon himself the execution of his office, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, over and above the sum due to him at the time of his death, a sum equal to six months' salary

**105.** (1) On the occurrence of a vacancy in the office of chief justice of a high court, and during any absence of such a chief justice the Governor-General in Council in the case of the high court at Calcutta, and the local government in other cases, shall appoint one of the other judges of the same high court to perform the duties of chief justice of the court, until some person has been appointed by His Majesty to the office of chief justice of the court, and has entered on the discharge of the duties of that office, or until the chief justice has returned from his absence, as the case requires

Provision for  
vacancy in  
the office of  
chief justice  
or other  
judge

(2) On the occurrence of a vacancy in the office of any other judge of a high court, and during any absence of any such judge, or on the appointment of any such judge to act as chief justice the Governor-General in Council in the case of the high court at Calcutta, and the local government in other cases, may appoint a person, with such qualifications as are required in persons to be appointed to the high court, to act as a judge of the court, and the person so appointed may sit and perform the duties of a judge of the court, until some person has been appointed by His Majesty to the office of judge of the court, and has entered on the discharge of the duties of the office, or until the absent judge has returned from his absence, or until the Governor-General in Council or the local government, as the case may be, sees cause to cancel the appointment of the acting judge

*Jurisdiction*

Jurisdiction  
of high  
courts.

**106 (1)** The several high courts are courts of record and have such jurisdiction original and appellate, including admiralty jurisdiction in respect of offences committed on the high seas and all such powers and authority over or in relation to the administration of justice, including power to appoint clerks and other ministerial officers of the court and power to make rules for regulating the practice of the court, as are vested in them by letters patent and subject to the provisions of any such letters patent all such jurisdiction powers and authority as are vested in those courts respectively at the commencement of this Act

<sup>1</sup>[(*1a*) The letters patent establishing or vesting jurisdiction, powers or authority in a high court may be amended from time to time by His Majesty by further letters patent]

**(2)** The high courts have not and may not exercise any original jurisdiction in any matter concerning the revenue or concerning any act ordered or done in the collection thereof according to the usage and practice of the country or the law for the time being in force

Powers of  
high courts  
with respect  
to subordi-  
nate courts.

**107** Each of the high courts has superintendence over all courts for the time being subject to its appellate jurisdiction, and may do any of the following things that is to say —

- (a) call for returns
- (b) direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction
- (c) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts,
- (d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts, and
- (e) settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts.

Provided that such rules, forms and tables shall not be inconsistent with the provisions of any <sup>1</sup>[law] for the time being in force and shall require the previous approval in the case of the high court at Calcutta of the Governor General in Council and in other cases of the local government

Exercise of  
jurisdiction  
by single  
judge or  
division  
court.

**108 (1)** Each high court may by its own rules provide as it thinks fit for the exercise by one or more judges or by division courts constituted by two or more judges of the high court of the original and appellate jurisdiction vested in the court

<sup>1</sup> This subsection was inserted by Sch. I of the Government of India (Amendment) Act, 1916 (C. S. No. 67).  
This section is valid only for the period from 1st Oct. to 31st Dec. 1916.

(2) The chief justice of each high court shall determine what judge in each case is to sit alone, and what judges of the court, whether with or without the chief justice, are to constitute the several division courts.

**109.** (1) The Governor-General in Council may, by order, transfer any territory or place from the jurisdiction of one to the jurisdiction of any other of the high courts, and authorise any high court to exercise all or any portion of its jurisdiction in any part of British India not included within the limits for which the high court was established, and also to exercise any such jurisdiction in respect of <sup>1</sup>[any British subject for the time being within] any part of India outside British India.

(2) The Governor-General in Council shall transmit to the Secretary of State an authentic copy of every order made under this section

(3) His Majesty may signify, through the Secretary of State in Council, his disallowance of any such order, and such disallowance shall make void and annul the order as from the day on which the Governor-General notifies that he has received intimation of the disallowance, but no act done by any high court before such notification shall be deemed invalid by reason only of such disallowance

**110.** (1) The Governor-General, each governor, <sup>2</sup>[lieutenant-governor and chief commissioner], and each of the members of <sup>3</sup>[the executive council of the Governor-General or of a governor or lieutenant-governor], <sup>4</sup>[and a minister appointed under this Act], shall not—

- (a) be subject to the original jurisdiction of any high court by reason of anything counselled, ordered or done by any of them in his public capacity only; nor
- (b) be liable to be arrested or imprisoned in any suit or proceeding in any high court acting in the exercise of its original jurisdiction, nor
- (c) be subject to the original criminal jurisdiction of any high court in respect of any offence not being treason or felony.

(2) The exemption under this section from liability to arrest and imprisonment shall extend also to the chief justices and other judges of the several high courts

**111.** The order in writing of the Governor-General in Council for any act shall, in any proceeding, civil or criminal, in any high court

<sup>1</sup> These words were substituted for the words "Christian subjects of His Majesty resident in" by Sch I of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37)

<sup>2</sup> These words were inserted by *ibid*

<sup>3</sup> These words were substituted for the words "their respective executive councils" by Sch I of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37)

<sup>4</sup> These words were inserted by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

General  
justification  
for act in any  
court in  
India.

acting in the exercise of its original jurisdiction be a full justification of the act, except so far as the order extends to any European British subject but nothing in this section shall exempt the Governor General or any member of his executive council or any person acting under their orders from any proceedings in respect of any such act before any competent court in England

#### *Law to be administered*

Law to be  
administered  
in cases  
of inheritance  
and success-  
sion.

112. The high courts at Calcutta Madras and Bombay, in the exercise of their original jurisdiction in suits against inhabitants of Calcutta Madras or Bombay as the case may be shall in matters of inheritance and succession to lands rents and goods and in matters of contract and dealing between party and party when both parties are subject to the same personal law or custom having the force of law decide according to that personal law or custom and when the parties are subject to different personal laws or customs having the force of law decide according to the law or custom to which the defendant is subject

#### *Additional High Courts*

Power to  
establish  
additional  
high courts.

113 His Majesty may if he sees fit by letters patent establish a high court of judicature in any territory in British India whether or not included within the limits of the local jurisdiction of another high court and confer on any high court so established all such jurisdiction powers and authority as are vested in or may be conferred on any high court existing at the commencement of this Act and where a high court is so established in any area included within the limits of the local jurisdiction of another high court His Majesty may by letters patent alter those limits and make such incidental consequential and supplemental provisions as may appear to be necessary by reason of the alteration

#### *Advocate General*

Appointment  
all powers  
of advocate  
general.

114 (1) His Majesty may by warrant under His Royal Sign Manual appoint an advocate-general for each of the presidencies of Bengal Madras and Bombay

(2) The advocate-general for each of the presidencies may take on behalf of His Majesty such proceedings as may be taken by His Majesty's Attorney General in England

(3) On the occurrence of a vacancy in the office of advocate-general or during any absence or deputation of an advocate general the Governor General in Council in the case of Bengal and the local government in other cases may appoint a person to act as advocate general and the

• person so appointed may exercise powers of an advocate-general until some person has been appointed by His Majesty to the office and has entered on the discharge of his duties, or until the advocate-general has returned from his absence or deputation, as the case may be, or until the Governor-General in Council or the local government, as the case may be, cancels the acting appointment ]

## PART X

### ECCLESIASTICAL ESTABLISHMENT

**115.** (1) The bishops of Calcutta, Madras and Bombay have and may exercise within their respective dioceses such episcopal functions, and such ecclesiastical jurisdiction for the superintendence and good government of the ministers of the Church of England therein, as His Majesty may by letters patent, direct [His Majesty may also, by letters patent, make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof]

(2) The bishop of Calcutta is the metropolitan bishop in India, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury, [and as metropolitan shall have, enjoy, and exercise such ecclesiastical jurisdiction and functions as His Majesty may, by letters patent, direct His Majesty may also, by letters patent, make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the see of Calcutta or the absence of the bishop]

(3) Each of the bishops of Madras and Bombay is subject to the bishop of Calcutta as such metropolitan, and must, at the time of his appointment to his bishopric, or at the time of his consecration as bishop, take an oath of obedience to the bishop of Calcutta, in such manner as His Majesty, by letters patent, may be pleased to direct

(4) His Majesty may, by letters patent, vary the limits of the dioceses of Calcutta, Madras and Bombay

(5) Nothing in this Act or in any such letters patent as aforesaid shall prevent any person who is or has been bishop of any diocese in India from performing episcopal functions, not extending to the exercise of jurisdiction, in any diocese or reputed diocese at the request of the bishop thereof

**116.** [Power to admit to holy orders]—Rep by Sch II of 6 & 7 Geo 5, Ch 37

<sup>1</sup> These words were inserted by Part III of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

Consecration  
of person  
resident in  
India ap-  
pointed to  
bishopric.

**117** If any person under the degree of bishop is appointed to the bishopric of Calcutta Madras or Bombay being at the time of his appointment resident in India the Archbishop of Canterbury, if so required to do by His Majesty by letters patent may issue a commission under his hand and seal directed to the two remaining bishops authorising and charging them to perform all requisite ceremonies for the consecration of the person so to be appointed

Salaries and  
allowances o  
f bisho  
ps and  
archdeacons.

**118** (1) The bishops <sup>1\*</sup> \* of Calcutta Madras and Bombay are appointed by His Majesty by letters patent <sup>2</sup>[and the archdeacons of those dioceses by their respective diocesan bishops] and there may be paid to them or to any of them out of the revenues of India such salaries and allowances as may be fixed by the Secretary of State in Council but any power of alteration under this enactment shall not be exercised so as to impose any additional charge on the revenues of India

(2) The remuneration fixed for a bishop or archdeacon under this section shall commence on his taking upon himself the execution of his office and be the whole profit or advantage which he shall enjoy from his office during his continuance therein and continue so long as he exercises the functions of his office

(3) There shall be paid out of the revenues of India the expenses of visitations of the said bishops but no greater sum may be issued on account of those expenses than is allowed by the Secretary of State in Council

1. of  
nta  
tives of  
bishops.

**119** (1) If the bishop of Calcutta dies during his voyage to India for the purpose of taking upon himself the execution of his office or if the bishop of Calcutta Madras or Bombay dies within six months after his arrival there for that purpose the Secretary of State shall pay to his legal personal representatives out of the revenues of India, such a sum of money as will with the amount received by or due to him at the time of his death on account of salary make up the amount of one year's salary

(2) If the bishop of Calcutta Madras or Bombay dies while in possession of his office and after the expiration of six months from his arrival in India for the purpose of taking upon himself the execution of his office the Secretary of State shall pay to his legal personal representatives out of the revenues of India over and above the sum due to him at the time of his death a sum equal to six months salary

**120** His Majesty may by warrant under the Royal Sign Manual, countersigned by the <sup>3</sup>[Secretary of State] grant out of the revenues of India to any bishop of Calcutta a pension not exceeding fifteen hundred pounds per annum if he has resided in India as bishop of

\* The word "and archdeacons" is omitted by Part III of Sch. II of the  
Ge. Ord. of 1871. At 1. 17 (1A) I. Ge. 3 c. 101.

\*\* These words are omitted by the 1st. Chapt. of the 1st. Part  
I. Sch. I of the Ge. Ord. of 1871. See in note 1. Dic. A. Ge. 3 c. 101.

† These words are substituted for the word "Chapt." by the 1st. Part  
I. Sch. I of the Ge. Ord. of 1871. See in note 1. Dic. A. Ge. 3 c. 101.

- Calcutta, Madras or Bombay or archdeacon for ten years, or one thousand pounds per annum if he has resided in India as bishop of Calcutta, <sup>1</sup>[Madras or Bombay] for seven years, or seven hundred and fifty pounds per annum if he has resided in India as bishop of Calcutta, <sup>1</sup>[Madras or Bombay] for five years, or to any bishop of Madras or Bombay a pension not exceeding eight hundred pounds per annum <sup>2\*</sup> \* \* if he has resided in <sup>3\*</sup> India as such bishop for fifteen years

**121.** His Majesty may make such rules as to the leave of absence of Furlough the bishops of Calcutta, Madras and Bombay on furlough or medical <sup>rules</sup> certificate as seem to His Majesty expedient

**122.** (1) Two members of the establishment of chaplains maintained in each of the presidencies of Bengal, Madras and Bombay must always be ministers of the Church of Scotland, and shall be entitled to have, out of the revenues of India, such salary as is from time to time allotted to the military chaplains in the several presidencies

Establish-  
ment of  
chaplains of  
Church of  
Scotland.

(2) The ministers so appointed chaplains must be ordained and inducted by the presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland, and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the presbytery of Edinburgh, whose judgments shall be subject to dissent, protest and appeal to the Provincial Synod of Lothian and Tweeddale and to the General Assembly of the Church of Scotland

**123.** Nothing in this Act shall prevent the Governor-General in Council from granting, with the sanction of the Secretary of State in Council, to any sect, persuasion or community of Christians, not being of the Church of England or Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship

Saving as to  
grants to  
Christians.

## PART XI

### OFFENCES, PROCEDURE AND PENALTIES

**124.** If any person holding office under the Crown in India does any of the following things, that is to say—

Certain acts  
to be mis-  
demeanours.

- (1) if he oppresses any British subject within his jurisdiction or in the exercise of his authority, or
- (2) if (except in case of necessity, the burden of proving which shall be on him) he wilfully disobeys, or wilfully omits,

<sup>1</sup> These words were inserted by Sch I of the Government of India (Amendment) Act, 1916 (6 & 7 Geo 5, c 37)

<sup>2</sup> The words "to be paid quarterly" were repealed by *ibid*.

<sup>3</sup> The word "British" was repealed by *ibid*.

forbears or neglects to execute any orders or instructions of the Secretary of State or

Breach of duty  
Trading  
Receiving presents

- (3) if he is guilty of any wilful breach of the trust and duty of his office, or
- (4) if being the Governor-General or a governor, lieutenant governor or chief commissioner, or a member of the executive council of the Governor General or of a governor or lieutenant governor [or being a minister appointed under this Act], or being a person employed or concerned in the collection of revenue or the administration of justice he is concerned in or has any dealings or transactions by way of trade or business in any part of India for the benefit either of himself or of any other person otherwise than as a shareholder in any joint stock company or trading corporation or
- (5) if he demands accepts or receives by himself or another, in the discharge of his office any gift gratuity or reward pecuniary or otherwise or any promise of the same except in accordance with such rules as may be made by the Secretary of State as to the receipt of presents and except in the case of fees paid or payable to barristers physicians surgeons and chaplains in the way of their respective professions

he shall be guilty of a misdemeanour and if he is convicted of having demanded accepted or received any such gift gratuity or reward the same or the full value thereof shall be forfeited to the Crown and the court may order that the gift gratuity or reward or any part thereof be restored to the person who gave it or be given to the prosecutor or informer and that the whole or any part of any fine imposed on the offender be paid or given to the prosecutor or informer as the court may direct:

[Provided that notwithstanding anything in this Act if any member of the Governor General's executive council or any member of any local government was at the time of his appointment concerned or engaged in any trade or business during the term of his office with the sanction in writing of the Governor General or in the case of ministers of the governor of the province and in any case subject to such general conditions and restrictions as the Governor General in Council may prescribe retain his concern or interest in that trade or business but shall not during that term take part in the direction or management of that trade or business]

125. (1) If any European British subject, without the previous consent in writing of the Secretary of State in Council or of the Governor-General in Council or of a local government, by himself or another,—

- (a) lends any money or other valuable thing to any prince or chief in India, or
- (b) is concerned in lending money to, or raising or procuring money for, any such prince or chief, or becomes security for the repayment of any such money, or
- (c) lends any money or other valuable thing to any other person for the purpose of being lent to any such prince or chief; or
- (d) takes, holds, or is concerned in any bond, note or other security granted by any such prince or chief for the repayment of any loan or money hereinbefore referred to,

he shall be guilty of a misdemeanour.

(2) Every bond, note, or security for money, of what kind or nature soever, taken, held or enjoyed, either directly or indirectly, for the use and benefit of any European British subject, contrary to the intent of this section, shall be void

126. (1) If any person carries on, meditately or immediately, any illicit correspondence, dangerous to the peace or safety of any part of British India, with any prince, chief, land-holder or other person having authority in India, or with the commander, governor, or president of any foreign European settlement in India, or any correspondence contrary to the rules and orders of the Secretary of State or of the Governor-General in Council or a governor in council he shall be guilty of a misdemeanour, and the Governor-General or governor may issue a warrant for securing and detaining in custody any person suspected of carrying on any such correspondence

(2) If, on examination taken on oath in writing of any credible witness before the Governor-General in Council or the governor in council, there appear reasonable grounds for the charge, the Governor-General or governor may commit the person suspected or accused to safe custody, and shall, within a reasonable time, not exceeding five days, cause to be delivered to him a copy of the charge on which he is committed

(3) The person charged may deliver his defence in writing, with a list of such witnesses as he may desire to be examined in support thereof

(4) The witnesses in support of the charge and of the defence shall be examined and cross-examined on oath in the presence of the person charged, and their depositions and examination shall be taken down in writing

(5) If, notwithstanding the defence, there appear to the Governor-General in Council or governor in council reasonable grounds for the

Loans to  
princes or  
chiefs

charge and for continuing the confinement the person charged shall remain in custody until he is brought to trial in India or sent to England for trial

(6) All such examinations and proceedings or attested copies thereof under the seal of the high court, shall be sent to the Secretary of State as soon as may be in order to their being produced in evidence on the trial of the person charged in the event of his being sent for trial to England

(7) If any such person is to be sent to England, the Governor General or governor as the case may be shall cause him to be so sent at the first convenient opportunity unless he is disabled by illness from undertaking the voyage in which case he shall be so sent as soon as his state of health will safely admit thereof

(8) The examinations and proceedings transmitted in pursuance of this section shall be received as evidence in all courts of law subject to any just exceptions as to the competency of the witnesses

*Prosecution of offences in England.*

127 (1) If any person holding office under the Crown in India commits any offence under this Act or any offence against any person within his jurisdiction or subject to his authority the offence may without prejudice to any other jurisdiction be inquired of heard tried and determined before His Majesty's High Court of Justice and be dealt with as if committed in the county of Middlesex

(2) Every British subject shall be amenable to all courts of justice in the United Kingdom of competent jurisdiction to try offences committed in India for any offence committed within India and outside British India as if the offence had been committed within British India

*Limitation for prosecutions in British India*

*and Puna die.*

128 Every prosecution before a high court in British India in respect of any offence referred to in the last foregoing section must be commenced within six years after the commission of the offence

129 If any person commits any offence referred to in this Act he shall be liable to such fine or imprisonment or both as the court thinks fit and shall be liable at the discretion of the court to be adjudged to be incapable of serving the Crown in India in any office civil or military and if he is convicted in British India by a high court the court may order that he be sent to Great Britain

## PART VII

### APPENDIX

120A (1) Where any matter is required to be prescribed or regulated by rules under this Act and no special provision is made as

<sup>1</sup> Section 120A was inserted by Part I of Sch. II of the Government of India Act 1919 (2 & 10 Geo. 6 c. 128)

to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council, and shall not be subject to repeal or alteration by the Indian legislature or by any local legislature.

(2) Any rules made under this Act may be so framed as to make different provision for different provinces.

(3) Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder:

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament, and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications and additions to which both Houses agree, but, upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament.]

130. The Acts specified in the Fourth Schedule to this Act are hereby Repealed, to the extent mentioned in the third column of that schedule:

Provided that this repeal shall not affect—

- (a) the validity of any law, charter, letters patent, Order in Council, warrant, proclamation, notification, rule, resolution, order, regulation, direction or contract made, or form prescribed, or table settled, under any enactment hereby repealed and in force at the commencement of this Act, or
- (b) the validity of any appointment, or any grant or appropriation or right to pension of any officer appointed before the repealed, or
- (c) the tenure of office, conditions of service, terms of remuneration or right to pension of any officer appointed before the commencement of this Act

<sup>1</sup>[Any reference in any enactment, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations or orders made under any such enactment, or in any letters patent or other

<sup>1</sup>This paragraph was inserted by Part I of Sch II of the Government of India Act, 1919 ('9 & 10 Geo 5, c 101)

document to any enactment repealed by this Act shall for all purposes be construed as references to this Act or to the corresponding provision thereof ]

[Any reference in any enactment in force in India whether an Act of Parliament or made by any authority in British India or in any rules regulations or orders made under any such enactment or in any letters patent or other document to any Indian legislative authority shall for all purposes be construed as references to the corresponding authority constituted by this Act ]

### *Savings*

*Saving as to certain rights and powers.* 131. (1) Nothing in this Act shall derogate from any rights vested in His Majesty or any powers of the Secretary of State in Council in relation to the government of India

(2) Nothing in this Act shall affect the power of Parliament to control the proceedings of the Governor General in Council or to repeal or alter any law made by any authority in British India or to legislate for British India and the inhabitants thereof

(3) Nothing in this Act shall affect the power of the [Indian legislature] to repeal or alter any of the provisions mentioned in the Fifth Schedule to this Act or the validity of any previous exercise of this power

*Treaties, contracts and liabilities of East India Company.* 132 All treaties made by the East India Company so far as they are in force at the commencement of this Act are binding on His Majesty and all contracts made and liabilities incurred by the East India Company may so far as they are outstanding at the commencement of this Act be enforced by and against the Secretary of State in Council

*Orders of East India Company.* 133 All orders regulations and directions lawfully made or given by the Court of Directors of the East India Company or by the Commissioners for the affairs of India are so far as they are in force at the commencement of this Act deemed to be orders rule and directions made or given by the Secretary of State under this Act

### *Definitions.*

134 In this Act unless the context otherwise requires —

- (1) Governor General in Council means the Governor General in executive council
- (2) governor in council means a governor in executive council
- (3) lieutenant governor in council means a lieutenant governor in executive council

<sup>1</sup>[(4) "local government" means, in the case of a governor's province, the governor in council or the governor acting with ministers (as the case may require), and, in the case of a province other than a governor's province, a lieutenant-governor in council, lieutenant-governor or chief commissioner,

"local legislative council" includes the legislative council in any governor's province, and any other legislative council constituted in accordance with this Act,

"local legislature" means, in the case of a governor's province, the governor and the legislative council of the province, and, in the case of any other province, the lieutenant-governor or chief commissioner in legislative council];

(5) "office" includes place and employment;

(6) "province" includes a presidency, and

(7) references to rules made under this Act include rules or regulations made under any enactment hereby repealed, until they are altered under this Act.

<sup>2</sup>[The expressions "official" and "non-official," where used in relation to any person, mean respectively a person who is or is not in the civil and military service of the Crown in India.]

Provided that rules under this Act may provide for the holders of such offices as may be specified in the rules not being treated for the purposes of this Act, or any of them, as officials]

<sup>3</sup>[135. This Act may be cited as the Government of India Act ]

Short title

## S C H E D U L E S .

### <sup>4</sup>FIRST SCHEDULE

#### NUMBER OF MEMBERS OF LEGISLATIVE COUNCILS <sup>5</sup>

Section 72A

Legislative Council	Number of Members
Madras	118
Bombay	111

<sup>1</sup>Paragraph (4) was substituted by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>2</sup>This paragraph was inserted by Part I of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101)

<sup>3</sup>Sec 135 was substituted by Part II, *ibid*

<sup>4</sup>This Schedule was substituted by Part I, *ibid*

<sup>5</sup>On the constitution of the Province of Burma as a governor's province, the number of members of the Legislative Council of Burma was fixed at 92 and the First Schedule is to have effect accordingly, see notification No 225, dated October 7, 1921, in Gazette of India Extraordinary, 1921, p 381, and at p 251, *infra*

Legislative Council.	Number of Members.
Bengal	125
United Provinces	118
Punjab	83
Bihar and Orissa	98
Central Provinces	70
Assam	53

## Section 85.

**'SECOND SCHEDULE****'OFFICIAL SALARIES ETC**

Officer	Maximum Annual Salary
Governor-General of India	Two hundred and fifty-six thousand rupees.
Governor of Bengal, Madras, Bombay and the United Provinces.	One hundred and twenty-eight thousand rupees.
Commander-in-Chief of His Majesty's forces in India	One hundred thousand rupees.
<sup>3</sup> Governor of the Punjab and Bihar and Orissa	One hundred thousand rupees.
Governor of the Central Provinces	Seventy two thousand rupees.
Governor of Assam	Sixty-six thousand rupees.
Lieutenant-Governor	One hundred thousand rupees.
Member of the Governor-General's Executive Council (other than the Commander-in-Chief).	Eighty thousand rupees.
Member of the executive council of the governor of Bengal, Madras, Bombay and the United Provinces.	Sixty four thousand rupees.
<sup>4</sup> Member of the executive council of the Punjab and Bihar and Orissa.	Sixty thousand rupees.

This Schedule was substituted by Part II of Sch. II of the Government of India Act 1919 (9 & 10 Geo 6 c 101).

On the constitution of the province of Burma as a government's province, the pay of the Governor and the members of the executive council was fixed at Rs 1,100/- and Rs 670/- per annum respectively and the second Schedule is to be read accordingly. (See notification No. 22, dated Oct 1st, 1937 in Gazette of Extra Extraordinary Vol 1 p 31 and at p 1 in 1938).

Officer.	Maximum Annual Salary.
Member of the executive council of the governor of the Central Provinces.	Forty-eight thousand rupees
Member of the executive council of the governor of Assam	Forty-two thousand rupees

**'THIRD SCHEDULE.**

Section 98.

**OFFICES RESERVED TO THE INDIAN CIVIL SERVICE.****A — *Offices under the Governor-General in Council.***

1 The offices of secretary, joint secretary, and deputy secretary in every department except the Army, Marine, Education, Foreign, Political, and Public Works Departments: Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department, as the case may be, need not be so filled.

2. Three offices of Accountants General.

**B — *Offices in the provinces which were known in the year 1861 as "Regulation Provinces".***

The following offices, namely.—

- 1 Member of the Board of Revenue.
- 2 Financial Commissioner
- 3 Commissioner of Revenue
- 4 Commissioner of Customs
- 5 Opium Agent
- 6 Secretary in every department except the Public Works or Marine Departments
- 7 Secretary to the Board of Revenue
- 8 District or sessions judge
- 9 Additional district or sessions judge
- 10 District magistrate
- 11 Collector of Revenue or Chief Revenue Officer of a district.

<sup>1</sup> This Schedule was substituted by Part II of Sch II of the Government of India Act, 1919 (9 & 10 Geo 5, c 101).

## FOURTH SCHEDULE

Acts REPEALED<sup>1</sup>

Session and Chapter	Short title.	Extent of Repeal.
10 Geo. 3, c. 47	The East India Company Act 1780.	The whole Act.
13 Geo. 3, c. 63	The East India Company Act 1782.	The whole Act, except sections <sup>2</sup> forty two, forty three and forty five
21 Geo. 3 c. 70	The East India Company Act, 1780.	The whole Act except section eighteen.
20 Geo. 3 c. 57	The East India Company Act 1780.	Section thirty eight <sup>3</sup>
33 Geo. 3 c. 62	The East India Company Act 1803.	The whole Act
37 Geo. 3, c. 142	The East India Company Act 1797	The whole Act except section twelve
39 & 40 Geo. 3, c. 79	The Government of India Act 1800.	The whole Act.
53 Geo. 3 c. 16.	The East India Company Act, 1813.	The whole Act
55 Geo. 3, c. 84	The Indian Presidency Towns Act 1815.	The whole Act
4 Geo. 4 c. 71	The Indian Bishops and Courts Act 1821.	The whole Act.
6 Geo. 4 c. 85	The Indian Salaries and Pen- sions Act 1826.	The whole Act
7 Geo. 4, c. 56	The East India Officers Act 1830.	The whole Act.
3 & 4 Will. 4 c. 6.	The Government of India Act 1833.	The whole Act except sections one hundred and twelve
5 & 6 Will. 4 c. 52	The India (North West Provinces) Act 1833.	The whole Act
7 Will. 4 and 1 Vict. c. 4	The India Officers' Salaries Act 1837.	The whole Act

For other Acts which have been repealed or partly repealed see Sch. II of the Government of India (Amendment) Act 1916 (P.L. No. 2 of 1916).

These three sections were repealed by 1837.

The whole Act has been superseded by Sch. II of the Government of India (Amendment) Act 1916 (C.A. (No. 2 of 1916)).

Session and Chapter	Short title	Extent of Repeal
5 & 6 Vict , c 119	The Indian Bishops Act, 1842	The whole Act
16 & 17 Vict , c 95	The Government of India Act, 1853	The whole Act
17 & 18 Vict , c 77	The Government of India Act, 1854	The whole Act
21 & 22 Vict , c 106	The Government of India Act, 1858	The whole Act, except section four
22 & 23 Vict , c 41	The Government of India Act, 1859	The whole Act
23 & 24 Vict , c 100	The European Forces (India) Act, 1860	The whole Act
23 & 24 Vict , c 102	The East India Stock Act, 1860	The whole Act, except section six
24 & 25 Vict , c 54	The Indian Civil Service Act, 1861	The whole Act
24 & 25 Vict , c 67	The Indian Councils Act, 1861	The whole Act
24 & 25 Vict , c 104	The Indian High Courts Act, 1861	The whole Act
28 & 29 Vict , c 15	The Indian High Courts Act, 1865	The whole Act
28 & 29 Vict , c 17	The Government of India Act, 1865	The whole Act
32 & 33 Vict , c 97	The Government of India Act, 1869	The whole Act.
32 & 33 Vict , c 98	The Indian Councils Act, 1869	The whole Act.
33 & 34 Vict , c 3	The Government of India Act, 1870	The whole Act
33 & 34 Vict , c 59	The East India Contracts Act, 1870	The whole Act.
34 & 35 Vict , c 34	The Indian Councils Act, 1871	The whole Act.
34 & 35 Vict , c 62	The Indian Bishops Act, 1871	The whole Act.

## THE NAVAL DISCIPLINE (No 2) ACT 1915

(5 &amp; 6 Geo 5, c 78)

*An Act to amend the Naval Discipline Act*

[29th July, 1915]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled and by the authority of the same as follows —

**Amendment of s. 56 of the Naval Discipline Act.** 1 (1) In paragraph (a) of sub-section (3) of section fifty six of the Naval Discipline Act<sup>1</sup> which relates to authorities having power to try offences for the words "when the tender is absent from the ship, by the officer in command of the tender" there shall be substituted the words

"in the case of a single tender absent from the ship, by the officer in command of such tender and in the case of two or more tenders absent from the ship in company or acting together by the officer in immediate command of such tenders"

(2) In paragraph (d) of the same sub-section after the words "naval barracks" there shall be inserted "be exercised by"

2 The following section shall be inserted after section fifty six of the Naval Discipline Act —

67A (1) Where any officer borne on the books of any of His Majesty's ships in commission is in time of war alleged to have been guilty of a disciplinary offence that is to say a breach of section seventeen eighteen nineteen twenty two twenty three twenty seven or forty three of this Act the officer having power to order a court martial may if he considers that the offence is of such character as not to necessitate trial by court martial in lieu of ordering a court martial order a disciplinary court constituted as hereinafter mentioned

(2) A disciplinary court shall be composed of not less than three nor more than five officers of whom one shall be a commander or of higher rank

(3) A disciplinary court shall have power to impose any punishment inferior to detention in the scale hereinbefore contained but no greater punishment

(4) The Admiralty may from time to time frame general orders for regulating the enabling constitution and procedure and practice of disciplinary courts under this section and may by those regulations apply with the necessary modifications to disciplinary courts the provisions of sections sixty two to sixty four and sections sixteen to thirty nine of this Act relating to courts martial and the regulations of all

provide for evidence being taken on oath and empower the court to administer oaths for that purpose."

3. Section ninety of the Naval Discipline Act shall extend to vessels in His Majesty's service in time of war other than hired vessels, and accordingly for the words "With respect to hired vessels in His Majesty's service in time of war" there shall be substituted the words "With respect to vessels in His Majesty's service in time of war, whether belonging to His Majesty or not, which are not wholly manned by naval ratings, but," and the word "hired" shall be omitted wherever it occurs in that section

4. The following section shall be inserted after section ninety-eight of the Naval Discipline Act:—

"98A (1) A person subject to this Act shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not so subject, but execution in respect of any such liability or of any order or decree in respect of such maintenance shall not issue against his person, pay, arms, ammunition, equipments, instruments, or clothing, nor shall he be liable to be punished for the offence of deserting or neglecting to maintain his wife or family, or any member thereof, or of leaving her or them chargeable to any union, parish, or place

(2) When any order or decree is made under any Act or at common law for payment by a man who is or subsequently becomes subject to this Act either of the cost of the maintenance of his wife or child, or of any bastard child of whom he is the putative father, or of the cost of any relief given to his wife or child by way of loan, a copy of such order or decree shall be sent to the Admiralty or any officer deputed by them for the purpose, and in the case—

(a) of such order or decree being so sent, or

(b) of it appearing to the satisfaction of the Admiralty or any officer deputed by them for the purpose that a person subject to this Act has deserted or left in destitute circumstances, without reasonable cause, his wife or any of his legitimate children under fourteen years of age,

the Admiralty or officer shall order to be deducted from the daily pay of the person so subject to this Act, and to be appropriated in liquidation of the sum adjudged to be paid by such order or decree, or towards the maintenance of the wife or children of the person, as the case may be, in such manner as the Admiralty or officer may think fit, a portion of such daily pay not exceeding—

where the person is a petty officer or a non-commissioned officer who is not below the rank of sergeant—in respect of a wife

## THE NAVAL DISCIPLINE (No 2) ACT, 1915

(5 &amp; 6 Geo 5, c 73)

*An Act to amend the Naval Discipline Act*

[29th July 1915]

Be it enacted by the King a Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled and by the authority of the same as follows —

**Amendment of s. 56 of the Naval Discipline Act.**

1 (1) In paragraph (a) of sub-section (3) of section fifty six of the Naval Discipline Act<sup>1</sup> which relates to authorities having power to try offences for the words 'when the tender is absent from the ship by the officer in command of the tender' there shall be substituted the words 'in the case of a single tender absent from the ship, by the officer in command of such tender and in the case of two or more tenders absent from the ship in company or acting together by the officer in immediate command of such tenders'

(2) In paragraph (d) of the same sub-section after the words 'naval barracks' there shall be inserted 'be exercised by'

2 The following section shall be inserted after section fifty seven of the Naval Discipline Act —

57A (1) Where any officer bears on the books of any of His Majesty's ships to commission is in time of war alleged to have been guilty of a disciplinary offence that is to say a breach of section seventeen eighteen nineteen twenty two twenty three twenty four or forty three of this Act the officer having power to order a court martial may if he considers that the offence is of such character as not to necessitate trial by court martial, in lieu of ordering a court martial, order a disciplinary court constituted as hereinafter mentioned

(2) A disciplinary court shall be composed of not less than three nor more than five officers of whom one shall be a commander or of higher rank

(3) A disciplinary court shall have power to impose any punishment inferior to detention in the scale heretofore contained but no greater punishment

(4) The Admiralty may from time to time frame general orders for regulating the enabling constitution and procedure and practice of disciplinary courts under this section and may by the regulations apply with the necessary modifications to disciplinary courts the provision of sections sixty two to sixty four and sections sixty-six to sixty-nine of this Act relating to courts martial and the regulation of all

Trial of  
officers for  
disciplinary  
offences in  
time of war

provide for evidence being taken on oath and empower the court to administer oaths for that purpose ”

**3.** Section ninety of the Naval Discipline Act shall extend to vessels in His Majesty's service in time of war other than hired vessels, and accordingly for the words “ With respect to hired vessels in His Majesty's service in time of war ” there shall be substituted the words “ With respect to vessels in His Majesty's service in time of war, whether belonging to His Majesty or not, which are not wholly manned by naval ratings, but,” and the word “ hired ” shall be omitted wherever it occurs in that section

**4** The following section shall be inserted after section ninety-eight of the Naval Discipline Act.—

“ 98A (1) A person subject to this Act shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not so subject, but execution in respect of any such liability or of any order or decree in respect of such maintenance shall not issue against his person, pay, arms, ammunition, equipments, instruments, or clothing, nor shall he be liable to be punished for the offence of deserting or neglecting to maintain his wife or family, or any member thereof, or of leaving her or them chargeable to any union, parish, or place

(2) When any order or decree is made under any Act or at common law for payment by a man who is or subsequently becomes subject to this Act either of the cost of the maintenance of his wife or child, or of any bastard child of whom he is the putative father, or of the cost of any relief given to his wife or child by way of loan, a copy of such order or decree shall be sent to the Admiralty or any officer deputed by them for the purpose, and in the case—

(a) of such order or decree being so sent, or

(b) of it appearing to the satisfaction of the Admiralty or any officer deputed by them for the purpose that a person subject to this Act has deserted or left in destitute circumstances, without reasonable cause, his wife or any of his legitimate children under fourteen years of age,

the Admiralty or officer shall order to be deducted from the daily pay of the person so subject to this Act, and to be appropriated in liquidation of the sum adjudged to be paid by such order or decree, or towards the maintenance of the wife or children of the person, as the case may be, in such manner as the Admiralty or officer may think fit, a portion of such daily pay not exceeding—

where the person is a petty officer or a non-commissioned officer who is not below the rank of sergeant—in respect of a wife

Amendment  
of s. 90 of  
Naval Dis-  
cipline Act

Liability of,  
seamen, &c.  
for mainte-  
nance of  
wives and  
children

or children, one shilling, and in respect of a bastard child, six pence,  
 in the case of any other person subject to this Act—in respect of a wife or children six pence and in respect of a bastard child four pence

Provided that no such deductions from pay in liquidation of the sum ad  
 judged to be paid by such order or decree as aforesaid shall be ordered unless the Admiralty, or officer deputed by them, are satisfied that the person against whom the order or decree was made has had a reasonable opportunity of appearing to defend the case before the court by which the order or decree was made and a certificate, purporting to be a certificate of the commanding officer of the ship on which he was or is serving or on the books of which he was or is borne that the person has been prevented by the requirements of the service from attending at a hearing of any such case shall be evidence of the fact unless the contrary is proved

(3) Where a proceeding under any Act or at common law is instituted against a person subject to this Act for the purpose of enforcing against him any such liability as above in this section mentioned the process may be served on the commanding officer of the ship on which he is serving or on the books of which such person is borne or where, by reason of the ship being at sea or otherwise it is impracticable to serve the process on such commanding officer the process may be served by being left with the Admiralty for transmission to such commanding officer, but such service shall not be valid unless there is left therewith in the hands of such commanding officer or Admiralty a sum of money to be adjusted as cost incurred in obtaining the order or decree, (made against the person on whom the process is issued) sufficient to enable him to attend the hearing of the case and to return to his ship or quarters and such sum may be expended by the commanding officer for that purpose and in process whatever under any Act or common law in any proceeding in this section mentioned shall be valid against a person subject to this Act if served after such person is under orders for service on a foreign station

The production of a certificate of a receipt of the process purporting to be signed by such commanding officer as aforesaid shall be evidence that the process has been duly served unless the contrary is proved

Where by an order or decree sent to the Admiralty or officer in accordance with sub-section (2) of this section the person against whom the order or decree is made is adjudged to pay as costs incurred in obtaining the order or decree any sum so left with the process as aforesaid the Admiralty may cause a sum equal to the sum so left to be paid in liquidation of the sum so adjudged to be paid as costs and the amount so paid by the Admiralty shall be a public debt from the person against whom the order or decree was made and will be collected

**5 & 6 Geo. 5, c. 73.]** *The Naval Discipline (No. 2) Act, 1915* 145

**5 & 6 Geo. 5, c. 92.]** *The Judicial Committee Act, 1915.*

**6 Geo. 5, c. 2.]** *The Naval Prize (Procedure) Act, 1916.*

to any other method of recovery, may be recovered by deductions from his daily pay, in addition to those mentioned in sub-section (2) of this section

(2) This section shall not apply to persons subject to this Act where such persons are officers

**5.** [*Printing and construction of Naval Discipline Act—Rep. 12 and 13, Geo. 5, Ch. 37, c. 9 and Sch.]*

**6.** This Act may be cited as the Naval Discipline (No. 2) Act, 1915

Short title  
and commen-  
tment

#### THE JUDICIAL COMMITTEE ACT, 1915

(5 & 6 Geo. 5, c. 92.)

*An Act to enable the Judicial Committee of the Privy Council to sit in more than one Division at the same time.*

[*The 23rd December, 1915*]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

**1.** (1) The Judicial Committee of the Privy Council may, subject, to the approval of the Lord Chancellor and the Lord President of the Council, sit in more than one division at the same time, and in such case anything which may be done to, by or before the Judicial Committee may be done to, by or before any such division of the Judicial Committee.

Power of  
Judicial  
Committee  
of the Privy  
Council to sit  
in more than  
one division  
at the same  
time

(2) The power of His Majesty in Council to make rules as to the practice and procedure before the Judicial Committee shall include the power to make orders for the constituting of division and the holding of divisional sittings of the Judicial Committee

**2.** This Act may be cited as the Judicial Committee Act, 1915

Short title

#### THE NAVAL PRIZE (PROCEDURE) ACT, 1916

(6 Geo. 5, c. 2.)

*An Act to amend the law as to the Jurisdiction of Prize Courts in the case of proceedings against persons in His Majesty's Naval service or in the employment of the Admiralty, and as to the transfer of Proceedings in Prize*

[*2nd March 1916.*]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Com-

mons in this present Parliament assembled, and by the authority of the same, as follows —

Proceedings in Prize Courts against naval officers, etc. 1 So much of section fifty-one of the Naval Prize Act, 1864<sup>1</sup> as provides that actions and proceedings against any person in His Majesty's Naval service or in the employment of the Admiralty shall not be brought or instituted elsewhere than in the United Kingdom shall, so far as not already repealed by the Public Authorities Protection Act, 1893 be repealed and such repeal shall take effect as from the fourth day of August nineteen hundred and fourteen.

**Extension of powers to transfer proceedings in Prize Courts.** 2 Section one of the Prize Courts Act, 1915<sup>a</sup> (which relates to the transfer of proceedings against a ship or cargo from one prize court to another) shall be extended so as to apply, with the necessary modifications to all proceedings pending at any time in a prize court, whether or not the proceedings are against any ship or cargo

Provided that where the proceedings are against a person in the service of His Majesty or of the Government of any part of His Majesty's Dominions or of any Government department, the court shall (except in the case of proceedings in the High Court of Justice in England) on the application of the proper officer of the Crown, make an order transferring the proceedings to another prize court and the said section one as amended by this section shall have effect accordingly.

3 This Act may be cited as the Naval Prize (Procedure) Act 1916 and the Naval Prize Acts 1864 to 1915 and this Act may be cited together as the Naval Prize Acts 1864 to 1916

## **THE ARMY (AUSTRAL) ACT 1916**

(S Goo 5, c 5)

*An Act to provide during Twelve Months for the Discipline and Regulation of the Army*

[19th April 1916]

What is the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace unless it be with the consent of Parliament is again a law.

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty & the Crown and that the whole number of such forces should consist of five million including those to be employed at the depot in the British Kingdom of Great Britain and Ireland for the training of troops &c.

service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid.

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm, yet, nevertheless it being requisite, for the retaining all the before-mentioned forces and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow.

And whereas the Army Act<sup>1</sup> will expire in the year one thousand nine hundred and sixteen on the following days —

- (a) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April, and
- (b) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. This Act may be cited as the Army (Annual) Act, 1916 Short title
2. (1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say). — Army Act to be in force for specified times.
  - (a) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and sixteen to the thirtieth day of April one thousand nine hundred and seventeen, both inclusive, and

<sup>1</sup> See Vol I of this publication

(b) Elsewhere, whether within or without His Majesty's dominions, from the thirty first day of July one thousand nine hundred and sixteen to the thirty first day of July one thousand nine hundred and seventeen, both inclusive

(2) The Army Act while in force shall apply to persons subject to military law, whether within or without His Majesty's dominions

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty exclusive of the marine forces is either greater or less than the number hereinbefore mentioned

3 There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act

Prices in respect of billeting.  
Amendment of ss 163 (1), (4) and 190 (27) of Army Act.

#### *Amendments of the Army Act*

4 In paragraph (d) of sub-section (1) of section one hundred and sixty three of the Army Act which relates to evidence, the words 'or the Governor of any presidency in India' shall be omitted and in paragraph (27) of section one hundred and ninety of the Army Act the words 'as respects any presidency in India means the Governor in Council of the presidency and' shall be omitted

#### Section 3.

#### SCHEDULE

Accommodation to be provided	Maximum Price
Lodging and attendance for soldier where meals are not included	Six pence per night
Breakfast as specified in Part I of the Second Schedule to the Army Act	Five pence each
Dinner as so specified	One shilling and one penny each
Supper as so specified	Three pence each
Where no meals furnished, 1 lbm. and attendance and candle, dinner salt and the new fire and the necessary utensil for drawing and eating meat	6s pence per day
6 able men and ten pounds of meat each, 1 lbm. 1 av and 12 lbs meat of straw fed daily for each horse	To the full value of
Staff room without food	1/- per day
10/- extra for a servant	10/- extra per day

THE IMPERIAL INSTITUTE (MANAGEMENT) ACT, 1916

(6 Geo. 5, c. 8.)

*An Act to provide for transferring the Management of the Imperial Institute from the Board of Trade to the Colonial Office, and for other purposes connected therewith*

[19th April, 1916]

WHEREAS by the Imperial Institute (Transfer) Act, 1902 (hereinafter referred to as the "principal Act"), the Imperial Institute was placed under the management of the Board of Trade, and it is expedient to transfer the management thereof to the Secretary of State for the Colonies, and to make such other provisions in connection therewith as are contained in this Act.

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.

1. (1) All property, real or personal, and all rights or obligations, Transfer from  
and all debts or liabilities, which were transferred to the Board of Board of  
Trade under the principal Act or which have become the property, rights, Colonial  
obligations, debts or liabilities of the Board of Trade in pursuance of Office of  
that Act, shall become the property, rights, obligations, debts, or liabilities management  
of the Secretary of State for the Colonies, and the Secretary of Imperial  
State for the Colonies for the time being shall have any powers necessary  
Institute  
to enable him to hold any such property

(2) Sections three and seven of the principal Act (which relate to the application of property and to powers of management) shall have effect as if the Secretary of State for the Colonies were substituted for the Board of Trade, and as if property transferred to the Secretary of State for the Colonies under this Act were substituted for property transferred to the Board of Trade under that Act

(3) The Secretary of State for the Colonies shall be substituted for the Board of Trade in sections four and five and in sub-section (3) of section nine of the principal Act (which relate to the Imperial Institute Building and the Endowment Fund, and to the Imperial Institute Trustees)

(4) The Advisory Committee appointed under section eight of the principal Act shall be abolished, and there shall be established for the purpose of carrying on the management of the Imperial Institute under the Secretary of State for the Colonies an Executive Council constituted in accordance with the provisions of the schedule to this Act

(b) Elsewhere whether within or without His Majesty's dominions from the thirty first day of July one thousand nine hundred and sixteen to the thirty first day of July one thousand nine hundred and seventeen, both inclusive

(2) The Army Act while in force shall apply to persons subject to military law whether within or without His Majesty's dominions

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned

3 There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act

#### *Amendments of the Army Act*

Amendment  
of ss. 103 (1)  
(e) and 100  
(27) of Army  
Act.

4 In paragraph (d) of sub-section (1) of section one hundred and sixty three of the Army Act which relates to evidence the words "or the Governor of any presidency in India" shall be omitted and in paragraph (27) of section one hundred and ninety of the Army Act the words "as respects any presidency in India means the Governor in Council of the presidency and" shall be omitted

#### Section 2.

#### SCHIFFDULY

Accommodation to be provided.	Maximum Price
Lodging and attendance for soldier where meals furnished.	Six pence per night
Breakfast as specified in Part I of the Second Schedule to the Army Act	Five pence each
Dinner as so specified	One shilling and one penny each
Supper as so specified	Three pence each
Where no meal furnished lodging and attendance and candle, vinegar, salt and the use of fire and the necessary utensils for dressing and eating the meal	Six pence per day
Two old seven and ten pence foot, two pounds of tea and eight lbs of coffee per month per man	Two £ 1 12s per day
Staff mess with rice	£ 1 12s per day
Food, general stores, £ per month	£ 1 12s per day

THE IMPERIAL INSTITUTE (MANAGEMENT) ACT, 1916

(6 Geo. 5, c. 8.)

*An Act to provide for transferring the Management of the Imperial Institute from the Board of Trade to the Colonial Office, and for other purposes connected therewith*

[19th April, 1916]

WHEREAS by the Imperial Institute (Transfer) Act, 1902 (hereinafter referred to as the "principal Act"), the Imperial Institute was placed under the management of the Board of Trade, and it is expedient to transfer the management thereof to the Secretary of State for the Colonies, and to make such other provisions in connection therewith as are contained in this Act

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

1. (1) All property, real or personal, and all rights or obligations, and all debts or liabilities, which were transferred to the Board of Trade under the principal Act or which have become the property, rights, obligations, debts or liabilities of the Board of Trade in pursuance of that Act, shall become the property, rights, obligations, debts, or liabilities of the Secretary of State for the Colonies, and the Secretary of State for the Colonies for the time being shall have any powers necessary to enable him to hold any such property

(2) Sections three and seven of the principal Act (which relate to the application of property and to powers of management) shall have effect as if the Secretary of State for the Colonies were substituted for the Board of Trade, and as if property transferred to the Secretary of State for the Colonies under this Act were substituted for property transferred to the Board of Trade under that Act.

(3) The Secretary of State for the Colonies shall be substituted for the Board of Trade in sections four and five and in sub-section (3) of section nine of the principal Act (which relate to the Imperial Institute Building and the Endowment Fund, and to the Imperial Institute Trustees)

(4) The Advisory Committee appointed under section eight of the principal Act shall be abolished, and there shall be established for the purpose of carrying on the management of the Imperial Institute under the Secretary of State for the Colonies an Executive Council constituted in accordance with the provisions of the schedule to this Act

*The Marriage of British Subjects (Facilities) [6 & 7 Geo 5, c. 21  
lities) Amendment Act 1916*

Sub-sections (1) and (2) of section eight of and the Third Schedule to the principal Act are hereby repealed, and the Executive Council shall be substituted for the Advisory Committee in section five in sub-section (3) of section eight and in sub-section (3) of section nine of the principal Act.

Short title

2 This Act may be cited as the Imperial Institute (Management) Act 1916

## SCHEDULE

1 The Executive Council shall consist of twenty-five members appointed as follows —

By the Board of Trade	Two
By the Secretary of State for India	Two
By the President of the Board of Agriculture and Fisheries	One
By the Government of India	One
By the Government of the Dominion of Canada	One
By the Government of the Commonwealth of Australia	One
By the Government of the Union of South Africa	One
By the Government of the Dominion of New Zealand	One
By the Government of Newfoundland	One
By the Secretary of State for the Colonies	Fourteen

2 The term of office of a member of the Executive Council shall be three years.

3 The members of the Executive Council shall retire on the expiration of their term of office, and their offices shall be filled by fresh appointments in accordance with the foregoing provisions of this Schedule.

4 A casual vacancy occurring in the office of any member of the Executive Council by death, resignation or otherwise shall be filled by appointment in manner directed by the foregoing provisions of this Schedule as respects the member whose office is vacant. But the member so appointed shall hold office only so long as the member whose office is vacant would have held office.

5 A retiring member may be re-appointed.

6 The Executive Council may not notwithstanding any vacancies in their number

*The Marriage of British Subjects (Facilities) Amendment Act 1916*

## (6 &amp; 7 Geo 5, c. 21)

An Act to amend the Marriage of British Subjects (Facilities) Act 1916  
(1917 c. 14)

Be it enacted by the King's Most Excellent Majesties by and with the advice and consent of the Lords Spiritual and Temporal and Commons,

6 & 7 Geo. 5, c. 21.] *The Marriage of British Subjects (Facilities) Amendment Act, 1916.* 151

6 & 7 Geo. 5, c. 37.] *The Government of India (Amendment) Act, 1916*

in this present Parliament assembled, and by the authority of the same,

1. It is His Majesty's wish that, for the purposes of a marriage to be solemnized or contracted in any part of His Dominions outside the United Kingdom between a British subject resident in that part and a British subject resident in England, Scotland, or Ireland, no notice of the marriage is, under the law in force in that part of His Dominions, required of the party of the person resident in England, Scotland, or Ireland. His Majesty may by Order in Council declare that section one of the Marriage of British Subjects (Facilities) Act, 1915,<sup>1</sup> shall apply to that part of His Dominions, notwithstanding that the law in force in that part does not make provision for the recognition of certificates for marriage issued in England, Scotland, and Ireland, and of certificates of proclamation of birth issued in Scotland, as sufficient notice in respect of such marriages as aforesaid, provided that the other conditions required by that section are fulfilled.

2. This Act may be cited as the Marriage of British Subjects (Facilities) Amendment Act, 1916 and the Marriage of British Subjects (Facilities) Act, 1915, and this Act may be cited together as the Marriage of British Subjects (Facilities) Acts, 1915 and 1916.

## THE GOVERNMENT OF INDIA (AMENDMENT) ACT, 1916

(6 & 7 Geo. 5, c. 37.)

### ARRANGEMENT OF SECTIONS

#### Section

- 1 Elections and nominations for legislative councils
- 2 Removal of doubts as to validity of certain Indian laws
- 3 Qualification of rulers and subjects of certain states for office
- 4 Admission to Indian Civil Service
- 5 Removal of doubts as to validity of Orders in Council under Foreign Jurisdiction Act
- 6 Transfer of India stock by deed
- 7 Minor amendments, repeals, and saving
- 8 Short title, commencement, printing and construction

FIRST SCHEDULE—Further amendments of the Government of India Act, 1915

SECOND SCHEDULE—Enactments repealed

*The Marriage of British Subjects (Facilities) Amendment Act 1916*

Sub-sections (1) and (2) of section eight of and the Third Schedule to the principal Act are hereby repealed, and the Executive Council shall be substituted for the Advisory Committee in section five in sub-section (3) of section eight, and in sub-section (3) of section nine of the principal Act.

Short title.

2 This Act may be cited as the Imperial Institute (Management) Act 1916

## SCHEDULE

1 The Executive Council shall consist of twenty five members appointed as follows —

<i>By the Board of Trade</i>	<i>Two.</i>
<i>By the Secretary of State for India</i>	<i>Two</i>
<i>By the President of the Board of Agriculture and Fisheries</i>	<i>One</i>
<i>By the Government of India</i>	<i>One</i>
<i>By the Government of the Dominion of Canada</i>	<i>One</i>
<i>By the Government of the Commonwealth of Australia</i>	<i>One</i>
<i>By the Government of the Union of South Africa</i>	<i>One</i>
<i>By the Government of the Dominion of New Zealand</i>	<i>One</i>
<i>By the Government of Newfoundland</i>	<i>One</i>
<i>By the Secretary of State for the Colonies</i>	<i>Fourteen.</i>

2 The term of office of a member of the Executive Council shall be three years.

3 The members of the Executive Council shall retire on the expiration of their term of office and their offices shall be filled by fresh appointments in accordance with the foregoing provisions of this Schedule.

4 A casual vacancy occurring in the office of any member of the Executive Council by death, resignation or otherwise shall be filled by appointment in manner directed by the foregoing provisions of this Schedule as respects the member whose office is vacant, but the member so appointed shall hold office only so long as the member whose office is vacant would have held office.

5 A retiring member may be re-appointed.

6 The Executive Council may act notwithstanding any vacancy in their number.

## THE MARRIAGE OF BRITISH SUBJECTS (FACILITIES) AMENDMENT ACT 1916

(6 &amp; 7 Geo 5, c 21)

An Act to amend the Marriage of British Subjects (Facilities) Act 1911

[10th July 1916]

Be it enacted by the King & Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons,

6 & 7 Geo. 5, c. 21.] *The Marriage of British Subjects (Facilities) Amendment Act, 1916* 151

6 & 7 Geo. 5, c. 37.] *The Government of India (Amendment) Act, 1916*

in this present Parliament assembled, and by the authority of the same,  
is as follows :—

1. It His Majesty is satisfied that, for the purposes of a marriage to be solemnized or contracted in any part of His Dominions outside the United Kingdom between a British subject resident in that part and a British subject resident in England, Scotland, or Ireland, no notice of the marriage is, under the law in force in that part of His Dominions, required on the part of the person resident in England, Scotland, or Ireland, His Majesty may by Order in Council declare that section one of the Marriage of British Subjects (Facilities) Act, 1915,<sup>1</sup> shall apply to that part of His Dominions, notwithstanding that the law in force in that part does not make provision for the recognition of certificates for marriage issued in England, Scotland, and Ireland, and of certificates of proclamation of banns issued in Scotland, as sufficient notice in respect of such marriages as aforesaid, provided that the other conditions required by that section are fulfilled.

2. This Act may be cited as the Marriage of British Subjects (Facilities) Amendment Act, 1916, and the Marriage of British Subjects (Facilities) Act, 1915, and this Act may be cited together as the Marriage of British Subjects (Facilities) Acts, 1915 and 1916.

## THE GOVERNMENT OF INDIA (AMENDMENT) ACT, 1916

(6 & 7 Geo. 5, c. 37.)

### ARRANGEMENT OF SECTIONS

#### Section

- 1 Elections and nominations for legislative councils
- 2 Removal of doubts as to validity of certain Indian laws.
- 3 Qualification of rulers and subjects of certain states for office
- 4 Admission to Indian Civil Service
- 5 Removal of doubts as to validity of Orders in Council under Foreign Jurisdiction Act
- 6 Transfer of India stock by deed
- 7 Minor amendments, repeals, and saving
- 8 Short title, commencement, printing and construction

FIRST SCHEDULE.—Further amendments of the Government of India Act, 1915

SECOND SCHEDULE.—Enactments repealed

An Act to amend certain enactments relating to the Government of India,  
and to remove doubts as to the validity of certain Orders in Council  
made for India

[23rd August, 1916]

Be it enacted by the King's Most Excellent Majesty by and with the  
advice and consent of the Lords Spiritual and Temporal and Commons,  
in this present Parliament assembled, and by the authority of the same,  
as follows —

Elections and  
nominations  
for legislative  
councils. 1. (1) In section sixty three of the Government of India Act 1915<sup>5 & 6 Geo 5 L.</sup>  
(in this Act referred to as "the principal Act"), shall be inserted the  
following sub-sections —

(a) Rules made under this section may provide for the final decision of doubts or disputes as to the validity of an election  
(b) Subject to any rules made under this section, any person who is a ruler or subject of any state in India shall be eligible to be nominated a member of a legislative council"

(2) In sections seventy four and seventy six of the principal Act corresponding sub-sections shall be inserted and shall be numbered (4a) and (4b) in section seventy four and (3a) and (3b) in section seventy six

(3) This section shall apply to and shall validate rules and nominations made as well before as after the commencement of this Act

Removal of  
doubts as to  
validity of  
certain  
Indian laws. 2. (1) In section seventy-one of the principal Act shall be inserted the following sub-section —

(3a) A regulation made under this section for any territory shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory

(2) In section eighty-four of the principal Act after the words Governor General in Legislative Council shall be inserted the words or a local legislature and at the end of the section shall be inserted the following words —

A law made by any authority in British India and reported to any provision of this or any other Act of Parliament shall to the extent of that representation but not otherwise be a law

(3) This section shall apply to and shall validate laws made as well before as after the commencement of this Act

3. After section ninety-six of the principal Act shall be inserted the following section:—

"96A Notwithstanding anything in any other enactment, the Governor-General in Council with the approval of the Secretary of State in Council, may, by notification, declare that subject to any conditions or restrictions prescribed in the notification, any named ruler or subject of any state in India shall be eligible for appointment to any civil or military office under the Crown to which a native of British India may be appointed, or any named subject of any state, or any named member of any independent race or tribe, in territory adjacent to India, shall be eligible for appointment to any such military office."

4. In section ninety-seven of the principal Act, after the words "British subjects" shall be inserted the words "and of persons in respect of whom a declaration has been made under the last foregoing section who are," and after sub-section (2), shall be inserted the following sub-section.—

"(2a) The admission to the Indian Civil Service of a British subject who or whose father or mother was not born within His Majesty's dominions shall be subject to such restrictions as the Secretary of State in Council, with the advice and assistance of the Civil Service Commissioners, may think fit to prescribe, and all such restrictions shall be included in the rules

5. An Order of His Majesty in Council heretofore or hereafter made under the Foreign Jurisdiction Act, 1890, empowering the Governor-General of India in Council to make rules and orders in respect of courts or administrative authorities acting for any territory, shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities power to sit or act outside the territory

6. (1) India stock, may, if registered for the time being as stock transferable by deed in manner provided by regulations made under this section, be transferred by deed

(2) The Banks of England and Ireland respectively, with the concurrence of the Secretary of State in Council, shall provide by regula-

*An Act to amend certain enactments relating to the Government of India,  
and to remove doubts as to the validity of certain Orders in Council  
made for India*

[23rd August, 1916]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows —

Elections and  
nominations  
for legislative  
councils. 1. (1) In section sixty three of the Government of India Act 1915 <sup>5 & 6 Geo 5, c 37, s 61.</sup> (in this Act referred to as "the principal Act") shall be inserted the following sub-sections —

(6a) Rules made under this section may provide for the final decision of doubts or disputes as to the validity of an election.

(6b) Subject to any rules made under this section any person who is a ruler or subject of any state in India shall be eligible to be nominated a member of a legislative council."

(2) In sections seventy four and seventy-six of the principal Act corresponding sub-sections shall be inserted and shall be numbered (6a) and (6b) in section seventy four and (3a) and (3b) in section seventy-six

(3) This section shall apply to and shall validate rules and nominations made as well before as after the commencement of this Act

2. (1) In section seventy-one of the principal Act shall be inserted the following sub-section —

(3a) A regulation made under this section for any territory shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory."

(2) In section eighty-four of the principal Act after the words "Governor General in Legislative Council" shall be inserted the words "or a local legislature" and at the end of the section shall be inserted the following words —

A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall to the extent of that repugnancy, but not otherwise, be void

(3) This section shall apply to and shall validate laws made as well before as after the commencement of this Act

3. After section ninety-six of the principal Act shall be inserted the following section:—

“ 96A Notwithstanding anything in any other enactment, the Governor-General in Council with the approval of the Secretary of State in Council, may, by notification, declare that subject to any conditions or restrictions prescribed in the notification, any named ruler or subject of any state in India shall be eligible for appointment to any civil or military office under the Crown to which a native of British India may be appointed, or any named subject of any state, or any named member of any independent race or tribe, in territory adjacent to India, shall be eligible for appointment to any such military office.”

4. In section ninety-seven of the principal Act, after the words “British subjects” shall be inserted the words “and of persons in respect of whom a declaration has been made under the last foregoing section who are,” and after sub-section (2), shall be inserted the following sub-section.—

“(2a) The admission to the Indian Civil Service of a British subject who or whose father or mother was not born within His Majesty’s dominions shall be subject to such restrictions as the Secretary of State in Council, with the advice and assistance of the Civil Service Commissioners, may think fit to prescribe, and all such restrictions shall be included in the rules

5. An Order of His Majesty in Council heretofore or hereafter made under the Foreign Jurisdiction Act, 1890, empowering the Governor-General of India in Council to make rules and orders in respect of courts or administrative authorities acting for any territory, shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities power to sit or act outside the territory

6. (1) India stock, may, if registered for the time being as stock transferable by deed in manner provided by regulations made under this section, be transferred by deed

(2) The Banks of England and Ireland respectively, with the concurrence of the Secretary of State in Council, shall provide by regula-

*An Act to amend certain enactments relating to the Government of India,  
and to remove doubts as to the validity of certain Orders in Council  
made for India*

[23rd August, 1916]

Be it enacted by the King a Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows —

Elections and 1 (1) In section sixty three of the Government of India Act 1915 <sup>5 & 6 G</sup> (in this Act referred to as "the principal Act"), shall be inserted the <sup>c. 61.</sup> following sub-sections —

(6a) Rules made under this section may provide for the final decision of doubts or disputes as to the validity of an election.

(6b) Subject to any rules made under this section, any person who is a ruler or subject of any state in India shall be eligible to be nominated a member of a legislative council "

(2) In sections seventy four and seventy-six of the principal Act corresponding sub-sections shall be inserted and shall be numbered (6a) and (6b) in section seventy four and (6a) and (6b) in section seventy six

(3) This section shall apply to and shall validate rules and nominations made as well before as after the commencement of this Act

2 (1) In section seventy-one of the principal Act shall be inserted the following sub-section —

(3a) A regulation made under this section for any territory shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory "

(2) In section eighty-four of the principal Act after the words Governor General in Legislative Council shall be inserted the words or a local legislature and at the end of the section shall be inserted the following words —

A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnance, but not otherwise be void

(3) This section shall apply to and shall validate laws made as well before as after the commencement of this Act

3. After section ninety-six of the principal Act shall be inserted the following section.—

“ 96A Notwithstanding anything in any other enactment, the Governor-General in Council with the approval of the Secretary of State in Council, may, by notification, declare that subject to any conditions or restrictions prescribed in the notification, any named ruler or subject of any state in India shall be eligible for appointment to any civil or military office under the Crown to which a native of British India may be appointed, or any named subject of any state, or any named member of any independent race or tribe, in territory adjacent to India, shall be eligible for appointment to any such military office ”

4. In section ninety-seven of the principal Act, after the words “British subjects” shall be inserted the words “and of persons in respect of whom a declaration has been made under the last foregoing section who are,” and after sub-section (2), shall be inserted the following sub-section.—

“(2a) The admission to the Indian Civil Service of a British subject who or whose father or mother was not born within His Majesty’s dominions shall be subject to such restrictions as the Secretary of State in Council, with the advice and assistance of the Civil Service Commissioners, may think fit to prescribe, and all such restrictions shall be included in the rules

5. An Order of His Majesty in Council heretofore or hereafter made under the Foreign Jurisdiction Act, 1890, empowering the Governor-General of India in Council to make rules and orders in respect of courts of administrative authorities acting for any territory, shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities power to sit or act outside the territory

6. (1) India stock, may, if registered for the time being as stock transferable by deed in manner provided by regulations made under this section, be transferred by deed

(2) The Banks of England and Ireland respectively, with the concurrence of the Secretary of State in Council, shall provide by regula-

Qualification  
of rulers and  
subjects of  
certain states  
for office

Admission to  
Indian Civil  
Service.

Removal of  
doubts as to  
validity of  
Orders in  
Council under  
Foreign  
Jurisdiction  
Act

Transfer of  
India stock  
by deed

tions for a separate stock register being kept for India stock which is for the time being transferable by deed for the conditions upon which stock is to be entered in or removed from that register for the mode in which the transfer by deed is to be carried out and for the payment of any fees in respect of the entry or removal of stock in or from the register and the carrying out of any transfer of stock by deed

(3) The provisions of all enactments relating to India stock which are in force at the commencement of this Act shall apply to stock transferable by deed in pursuance of this section as they apply to stock transferable in the books of the Banks of England or Ireland or of the Secretary of State in Cawnpore except so far as express provision is made to the contrary by this section or by the regulations made thereunder

(4) No stamp duty shall be payable in respect of any deed of transfer of India stock or any dividend warrant or register certificate relating to India stock

(5) In this section the expression India stock means any stock created and issued whether before or after the commencement of this Act by the Secretary of State in Council under the authority of Parliament

7 (1) The principal Act shall be further amended in manner appearing in the First Schedule to this Act

(2) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule

(3) Nothing in this Act shall affect any right acquired before the commencement of this Act under any judgment or order of a court of competent jurisdiction

8 (1) This Act may be cited as the Government of India (Amendment) Act 1916 and the principal Act and this Act may be cited together as the Government of India Acts 1915 and 1916

(2) This Act shall come into operation on the first day of September one thousand nine hundred and sixteen

(3) Where any enactment or word is directed by this Act or by any Act for the time being in force whether passed before or after the commencement of this Act to be inserted in or added to the principal Act or to be substituted in the principal Act for any other enactment or word or where any enactment or word in the principal Act is so directed to be repealed then all copies of the principal Act printed by His Majesty's printers after that direction takes effect shall be printed with that enactment or word inserted in or added to the Act, or printed there in lieu of any enactment or word for which the same is substituted or omitted therefrom according as the direction requires and with the

sections and sub-sections numbered in accordance with the direction; and the principal Act shall be construed as if it had, at the time at which the direction takes effect, been enacted with that addition, substitution or omission

(4) A reference in any enactment, whether passed before or after the commencement of this Act, to the principal Act shall, unless the context otherwise requires, be construed to refer to that Act as amended by any enactment for the time being in force.

## SCHEDULES

### FIRST SCHEDULE

#### *Further Amendments of the Government of India Act 1915*

Enactment to be amended	Amendment
The Government of India Act, 1915 (5 & 6 Geo 5, c 61)	
Section 3(3)	The word "British," where secondly occurring, shall be repealed
Section 13(1)	For this sub-section shall be substituted the following sub-section —  “(1) Where an order or communication concerns the levying of war, or the making of peace, or the public safety, or the defence of the realm, or the treating or negotiating with any prince or state, or the policy to be observed with respect to any prince or state, and a majority of votes therefor at a meeting of the Council of India is not required by this Act, the Secretary of State may send the order or communication to the Governor-General in Council or to any Governor in Council or officer, or servant in India without submitting it to a meeting of the council or depositing it for the perusal of the members of the council or sending or giving notice of the reasons for making it, if he consider that it is of a nature to require secrecy”
Section 13 (2) . . . .	The words “or any of the matters aforesaid” shall be substituted for the words “or the levying of war, or the making of peace, or negotiations or treaties with any prince or state”

Enactment to be amended.	Amendment.
Section 21	At the end of the section shall be added the words "Provided that a grant or appropriation made in accordance with provisions or restrictions prescribed by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the council shall be deemed to be made with the concurrence of a majority of such votes."
Section 28	The words "twenty-eight days" shall be substituted for the words "fourteen days."
Section 27 (10)	The words "or retiring" shall be inserted after the word "superannuation;" the words "and their legal personal representatives shall, for the purposes of gratuity" shall be inserted after the word "allowance" and the words "the auditor and his assistants" shall be substituted for the word "they"
Sections 28 (1) and 30 (1)	The words "or personal" shall be inserted after the word "real," where secondly occurring, and the words "or otherwise" shall be inserted after the word "mortgage."
Section 28 (2)	The word "two" shall be substituted for the word "three."
Sections 63 (3) and 74 (2)	The words "any office of profit" shall be substituted for the word "office."
Sections 64 (3), 75 (3) and 78 (2)	The words "or when questions are asked" shall be inserted after the words "any matter of general public interest."
Sections 67 (3) and 80 (3)	The words "or when questions are asked" shall be inserted after the words "at any such discussion."
Section 86 (1)	The words "and a Lieutenant Governor in Council" shall be inserted after the words "a Governor in Council."
Section 92 (3)	The words "or special duty" shall be inserted after the words "is absent on leave."
Section 94	The words "or special duty" shall be inserted after the words "absence on leave" and the words "absence may be permitted" shall be substituted for the words "leave may be granted."
Section 99 (1)	The words "in British India," where soverely or curiously, shall be repealed.

Enactment to be amended	Amendment
Section 106 .	<p>In this section shall be inserted the following sub-section —</p> <p>“(1) (A) The letters patent establishing, or vesting jurisdiction powers or authority in a high court may be amended from time to time by His Majesty by further letters patent”</p>
Section 107, proviso	<p>The word “law” shall be substituted for the word “Act.”</p>
Section 109 (1)	<p>The words “any British subject for the time being within” shall be substituted for the words “Christian subjects of His Majesty resident in.”</p>
Section 110 (1)	<p>The words “lieutenant-governor and chief commissioner” shall be inserted after the words “each governor” and the words “the executive council of the Governor-General or of a governor or lieutenant-governor” shall be substituted for the words “their respective executive councils”</p>
Section 114	<p>At the end of this section shall be added the following sub-section —</p>
	<p>“(3) On the occurrence of a vacancy in the office of advocate-general or during any absence or deputation of an advocate-general, the Governor-General in Council in the case of Bengal, and the local Government in other cases, may appoint a person to act as advocate-general, and the person so appointed may exercise the powers of an advocate-general until some person has been appointed by His Majesty to the office and has entered on the discharge of his duties, or until the advocate-general has returned from his absence or deputation, as the case may be, or until the Governor-General in Council or the local Government, as the case may be, cancels the acting appointment”</p>
Section 120 . . .	<p>The words “Secretary of State” shall be substituted for the words “Chancellor of the Exchequer;” the words “Madras or Bombay” shall be inserted after the words “Bishop of Calcutta,” where thirdly and fourthly occurring, and the words “to be paid quarterly” and the word “British” shall be repealed</p>

Enactment to be amended.	Amendment.
Section 21	At the end of the section shall be added the words "Provided that a grant or appropriation made in accordance with provisions or restrictions prescribed by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the council shall be deemed to be made with the concurrence of a majority of such votes."
Section 26	The words "twenty-eight days" shall be substituted for the words "fourteen days."
Section 27 (10)	The words "or retiring" shall be inserted after the word "superannuation" the words "and their legal personal representatives shall, for the purposes of gratuity" shall be inserted after the word "allowance" and the words "the auditor and his assistants" shall be substituted for the word "they"
Sections 28 (1) and 30 (1)	The words "or personal" shall be inserted after the word "real, where secondly occurring and the words or otherwise shall be inserted after the word mortgage."
Section 28 (2)	The word "two" shall be substituted for the word "three."
Sections 63 (3) and 74 (2)	The words "any office of profit" shall be substituted for the word "office."
Sections 64 (3), 75 (3) and 78 (2)	The words "or when questions are asked" shall be inserted after the words "any matter of general public interest."
Sections 67 (3) and 80 (3)	The words "or when questions are asked" shall be inserted after the words "at any such discussion."
Section 86 (1)	The words "and a Lieutenant Governor in Council" shall be inserted after the words "a Governor in Council."
Section 92 (3)	The words "or special duty" shall be inserted after the words "is absent on leave."
Section 94	The words "or special duty" shall be inserted after the words "absence on leave" and the words "absence may be permitted" shall be substituted for the words "leave may be granted."
Section 99 (1)	The words "in British India," where secondly occurring, shall be repealed.

Enactment to be amended	Amendment.
Section 106	<p>In this section shall be inserted the following sub-section —</p> <p>“(1) (A). The letters patent establishing, or vesting jurisdiction powers or authority in a high court may be amended from time to time by His Majesty by further letters patent”</p>
Section 107, proviso	<p>The word “law” shall be substituted for the word “Act”</p>
Section 109 (1)	<p>The words “any British subject for the time being within” shall be substituted for the words “Christian subjects of His Majesty resident in”</p>
Section 110 (1)	<p>The words “lieutenant-governor and chief commissioner” shall be inserted after the words “each governor” and the words “the executive council of the Governor-General or of a governor or lieutenant-governor” shall be substituted for the words “their respective executive councils”</p>
Section 114	<p>At the end of this section shall be added the following sub-section —</p> <p>“(3) On the occurrence of a vacancy in the office of advocate-general or during any absence or deputation of an advocate-general, the Governor-General in Council in the case of Bengal, and the local Government in other cases, may appoint a person to act as advocate-general, and the person so appointed may exercise the powers of an advocate-general until some person has been appointed by His Majesty to the office and has entered on the discharge of his duties, or until the advocate-general has returned from his absence or deputation, as the case may be, or until the Governor-General in Council or the local Government, as the case may be, cancels the acting appointment”</p>
Section 120	<p>The words “Secretary of State” shall be substituted for the words “Chancellor of the Exchequer,” the words “Madras or Bombay” shall be inserted after the words “Bishop of Calcutta,” where thirdly and fourthly occurring, and the words “to be paid quarterly” and the word “British” shall be repealed</p>

For the Fifth Schedule shall be substituted the following —

Section 131  
(8)

### FIFTH SCHEDULE

*Provisions of this Act which may be repealed or altered by the Governor-General in Legislative Council*

Section.	Subject.
62	Power to extend limits of presidency towns.
106	Jurisdiction, powers and authority of high courts.
106 (1)	Exercise of jurisdiction of high court by single judges or division courts.
109	Power for Governor-General in Council to alter local limits of jurisdiction of high courts, etc.
110	Exemption from jurisdiction of high courts.
111	Written order by Governor General in Council as justification for act in high court
112	Law to be administered in cases of inheritance succession contract and dealing between party and party
114 (2)	Powers of advocate-general.
124 (1)	Oppression.
124 (4)—so far as it relates to persons employed or concerned in the collection of revenue or the administration of justice	Trading
124 (6)—so far as it relates to persons other than the governor general, a governor or a member of the executive council of the governor-general or of a governor	Receiving presents.
125	Loans to princes or chiefs.
126	Carrying on dangerous correspondence
128	Limitation for prosecutions in British India.
129	Penalties."

SECOND SCHEDULE.

Section 7 (2)

*Enactments repealed*

Session and Chapter	Short title.	Extent of Repeal
13 Geo 3, c 63 .	The East India Company Act, 1772	Sections forty-two, forty-three and forty-five
24 Geo 3, sess 2, c 25	The East India Company Act, 1784	The whole Act
26 Geo 3, c 57 .	The East India Company Act, 1786	Ditto
9 Geo 4, c 74 .	The Criminal Law (India) Act, 1828	Section fifty-six, except so far as in force in the Straits Settlements
5 and 6 Geo 5, c 61	The Government of India Act, 1915	In section twenty-six, paragraph (d) In section eighty-seven, sub-sections (2), (3), (4) and (5) Section one hundred and sixteen.

THE MERCHANT SHIPPING (SALVAGE) ACT, 1916

(6 & 7 Geo. 5, c. 41.)

*An Act to authorise the recovery of salvage in respect of services rendered by certain ships belonging to His Majesty*

[23rd August, 1916]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. Where salvage services are rendered by any ship belonging to His Right of Admiralty to Majesty, and that ship is a ship specially equipped with salvage plant, claim salvage

in respect of services of certain ships. or is a tug the Admiralty shall, notwithstanding anything contained in section five hundred and fifty seven of the Merchant Shipping Act, 1894 be entitled to claim salvage on behalf of His Majesty for such services and shall have the same rights and remedies as if the ship rendering such services did not belong to His Majesty

Short title and construction. 2 This Act may be cited as the Merchant Shipping (Salvage) Act, 1916 and shall be construed as one with the Merchant Shipping Acts, 1894 to 1914 and those Acts and this Act may be cited together as the Merchant Shipping Acts 1894 to 1916

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**THE ARMY (ANNUAL) ACT 1917**

(7 Geo 5, c 9)

*An Act to provide during twelve months for the Discipline and Regulation of the Army*

[5th April 1917]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace unless it be with the consent of Parliament is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown and that the whole number of such forces should consist of five million including those to be employed at the depots in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom or the Commanders for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on board or sent to do duty or be on board train port ship or vessel merchant ship or vessel or other ship or vessel or they may be under other circumstances in which they will not be subject to the law relating to the government of His Majesty's fleet or

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm, yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said force who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

Vict., And whereas the Army Act<sup>1</sup> will expire in the year one thousand nine hundred and seventeen on the following days.—

- (a) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April, and
- (b) Elsewhere, whether within or without His Majesty's dominions, on the 31st day of July

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

**1.** This Act may be cited as the Army (Annual) Act, 1917

Short title

**2.** (1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say) —

Army Act  
to be in force  
for specified  
times

- (a) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and seventeen to the thirtieth day of April one thousand nine hundred and eighteen, both inclusive, and
- (b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and seventeen to the thirty-first day of July one thousand nine hundred and eighteen, both inclusive

(2) The Army Act, while in force shall apply to persons subject to military law, whether within or without His Majesty's dominions

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

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, \* See Vol I of this publication

Prices in  
respect of  
billetting.

3 There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act

*Amendments of the Army Act*

Amendments  
of s. 154 of  
the Army  
Act with  
respect to  
deserters  
and absentees  
without  
leave.

4. After paragraph (8) of section one hundred and fifty four of the Army Act which relates to deserters and absentees without leave, the following paragraph shall be inserted —

(9) Where a person surrenders himself to a constable in the United Kingdom as being a deserter or absentee without leave the officer of police in charge of the police station to which he is brought shall forthwith inquire into the case, and if it appears to him from the confession of that person that that person is a deserter or absentee without leave he may cause him to be delivered into military custody without bringing him before a court of summary jurisdiction under this section, and in such case shall send to the Army Council or as they may direct a certificate signed by himself as to the fact date and place of such surrender'

Amendment  
of s. 163 of  
the Army  
Act relating  
to evidence.

5 (1) For paragraph (j) of section one hundred and sixty three of the Army Act which relates to evidence, the following paragraph shall be substituted —

(j) Where the proceedings are proceedings against an officer or soldier on a charge of being a deserter or absentee without leave and the officer or soldier has surrendered himself into the custody of a provost marshal, assistant provost marshal or other officer or any portion of His Majesty's forces a certificate purporting to have been signed by such provost marshal, assistant provost marshal or other officer, or by the commanding officer of the portion of His Majesty's forces to whom the surrender was made and stating the fact date and place of such surrender shall be evidence of the matter so stated

(2) After the said paragraph (j) the following paragraph shall be inserted —

(k) Where the proceedings are proceedings against an officer or soldier on a charge of being a deserter or absentee without leave and the officer or soldier has been delivered into military custody by a police officer in charge of a police station in the United Kingdom a certificate purporting to be signed by such police officer and stating the fact date and place of the surrender of the officer or soldier shall be evidence of the matter so stated

<sup>1</sup> The words "or by whom the arrest and/or arrest were effected by" &c of P & 10 Geo 5 c 11 see infra p 34

## SCHEDULE

Section 3

Accommodation to be provided	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Six pence per night
Breakfast as specified in Part I of the Second Schedule to the Army Act.	Six pence each
Dinner as so specified . . .	One shilling and two pence each.
Supper as so specified	Four pence each
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire and the necessary utensils for dressing and eating his meat	Six pence per day
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse	Two shillings and four pence per day
Stable room without forage . . .	Six pence per day
Lodging and attendance for officer	Two shillings per night

NOTE.—An officer shall pay for his food

## THE NAVAL DISCIPLINE ACT, 1917

(7 &amp; 8 Geo. 5, c. 34.)

*An Act to amend section 74A. of the Naval Discipline Act.*

[2nd August, 1917 ]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. Section 74A of the Naval Discipline Act which relates to the suspension of sentence shall be amended as follows.—

(I) By the insertion in paragraph (b) thereof, after the words " committing authority," where they first occur, of the words " or an officer

Amendment  
of s. 74 A of  
Naval Disci-  
pline Act

holding such command as the Admiralty may by regulation prescribe,' and the insertion in the same paragraph after the words 'committing authority' where they secondly and thirdly occur of the words 'or officer'

(2) By the insertion at the beginning of paragraph (c) of the words "Subject to regulations made by the Admiralty" and by the insertion in the same paragraph after the words 'committing authority,' of the words "or an officer holding such command as the Admiralty may by regulation prescribe"

(3) By the substitution in paragraph (b) of the word "more" for the word "less"

(4) By the insertion at the end of the section of the following provisions—

Where a person has been sentenced to penal servitude or imprisonment or detention and an order of committal has been issued the Admiralty or the committing authority or an officer holding such command as the Admiralty may by regulation prescribe may order the sentence to be suspended and in such case the person whose sentence is suspended shall be discharged and the execution of the sentence shall be suspended until he is again committed under the same sentence and the foregoing paragraphs (b), (c) and (d) of this section shall apply in like manner as in the case where a sentence has been suspended before an order of committal has been issued

Where a sentence is suspended under this section whether before or after committal the Admiralty or subject to any regulation or direction which may be issued by the Admiralty the committing authority or officer by whom the sentence is suspended may notwithstanding anything in section fifty three of this Act direct that any penalty which is involved by the punishment of penal servitude or imprisonment or detention either shall be or shall not be remitted or suspended

2. [Printing and construction of Naval Discipline Act — Chap 12 & 13 Geo 5 c 3° s 8 and Sch ]

3. This Act may be cited as the Naval Discipline Act 1917

THE AIR FORCE (CONSTITUTION) ACT, 1917.

(7 & 8 Geo. 5, C. 51.)

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ARRANGEMENT OF SECTIONS.

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PART I.

ESTABLISHMENT OF AIR FORCE.

SECTIONS

1. Raising and number of Air Force
2. Government, discipline, and pay of Air Force
3. Transfer and attaching to Air Force of members of Naval and Military Forces
4. Rights of officers
5. Application of Military Service Acts, etc
6. Air Force Reserve and Auxiliary Force
7. Consequential amendments of Naval Discipline Act and Army Act.

PART II

ESTABLISHMENT OF AIR COUNCIL

8. Establishment of Air Council
9. Staff, remuneration, and expenses
10. Style, seal, and proceedings of Air Council
11. Provisions as to sitting in Parliament

PART III

DISCIPLINE, ETC

12. Application of Army Act to Air Force
13. Application of other Acts

PART IV

GENERAL

14. Power to alter and revoke orders
15. Short title.

SCHEDULES

*An Act to make provision for the establishment administration and discipline of an Air Force, the establishment of an Air Council, and for purposes connected therewith*

[29th November 1917]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

## PART I

### ESTABLISHMENT OF AIR FORCE

Raising and number of Air Force.

1. It shall be lawful for His Majesty to raise and maintain a force to be called the Air Force consisting of such number of officers warrant officers non-commissioned officers, and men as may from time to time be provided by Parliament

Government, discipline, and pay of Air Force.

2. (1) Subject to the provisions of this Act it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, to make orders with respect to the government discipline pay, allowances and pensions of the Air Force and with respect to all other matters and things relating to the Air Force including any matter by this Act authorised to be prescribed or expressed to be subject to orders or regulations

(2) The said orders may provide for the formation of men of the Air Force into separate units and for the formation of such units into corps and for appointing transferring or attaching men of the air force to units and for posting attaching and otherwise dealing with such men within the units and may regulate the appointment rank duties and numbers of the officers and non-commissioned officers of the Air Force

(3) Subject to the provisions of any such order the Air Council herein after constituted may make general or special regulations with respect to any matter with respect to which His Majesty may make orders under this section

Provided that the administration of pensions other than service pensions within the meaning of the Ministry of Pensions Act 1916 shall <sup>§ 17 Geo 5 c. 63</sup> rest in the Minister of Pensions

(4) All orders and general regulations made under this section shall be laid before Parliament as soon as may be after they are made

Transfer and attaching to the Air Force of members of the Army and Navy Forces

3. (1) Any officer warrant officer petty officer non-commissioned officer or man of any of His Majesty's naval or military forces may with his consent and subject to the approval of the Admiralty or Army Council (as the case may be) be transferred by the Air Council to the Air Force or attached by the Air Council to the Air Force for the period of the present war or for a period not exceeding four years

Provided that—

- (a) any officer, warrant officer, petty officer, non-commissioned officer, or man who at such date as may be fixed by Order in Council belongs or is attached to the Royal Naval Air Service, the Royal Flying Corps or any unit of the naval or military forces engaged in defence against aircraft which is designated by the Admiralty or Army Council for the purpose, may be so transferred or attached without his consent, but if any person so transferred or attached, within three months from the time when he receives notice of such transfer or attachment or such longer period as in any particular case the Air Council may allow, gives notice to his commanding officer that he does not desire to be so transferred or attached, the transfer or attachment shall be annulled without prejudice to the validity of anything which may have been done in the meanwhile, and
- (b) no person transferred to the Air Force under the provisions of this section shall be liable to serve with the Air Force for any longer period than that for which he would have been liable to serve had he continued in the force from which he was transferred

(2) Regulations made by the Air Council may provide that in the case of a person so transferred, the time during which he held a commission or served in the force from which he is transferred shall, for such purposes as may be prescribed, be aggregated with the time during which he holds a commission or serves in the Air Force, and that his entry into or enlistment in the force from which he is transferred shall, for such purposes as may be prescribed, be treated as enlistment into the Air Force

(3) Where any person is transferred to the Air Force under this section, then for the purposes of pay, pensions, gratuity, and retired or half-pay, and of any decoration or reward dependent on length of service, any previous service with His Majesty's naval or military forces which would have counted as service towards pay, pension, gratuity, retired or half-pay, or such decoration or reward if he had not been so transferred, shall be deemed to be service with the Air Force towards pay, pension, gratuity, retired or half-pay, or such decoration or reward

(4) Where any person is attached to the Air Force under this section, the fact that he is so attached shall not affect any right to any pay, pension, gratuity, retired or half-pay, or such decoration or reward as aforesaid, already earned by him in that branch of His Majesty's naval or military forces to which he belonged at the date on which he was so attached, and the period during which he is so attached shall, for the purpose of any provisions relating to pay, pensions, gratuity, retired or half-pay, or such decoration or reward, be deemed to be service with that

branch of His Majesty's naval or military forces to which he belonged at the date on which he was so attached

Rights of officers

4. Officers in the Air Force shall enjoy all such powers, rights, immunities and privileges as are enjoyed by commissioned officers of His Majesty's Navy or Army as such whether conferred by Statute or otherwise and the acceptance of a commission in the Air Force shall not render a person accepting such a commission incapable of being elected to or sitting or voting in the Commons House of Parliament and nothing in the Succession to the Crown Act 1707 or any similar enactment shall extend to any member of the Commons House of Parliament who being an officer of the Air Force receives any new or other commission in the Air Force or receives a commission in His Majesty's Navy or Army, or who being an officer in His Majesty's Navy or Army receives a commission in the Air Force.

Application of Military Service Acts, etc.

5 (1) Any men who by virtue of the Military Service Acts<sup>1</sup> 1916 &c 104 and 1917 are deemed to have been enlisted in His Majesty's regular forces and to have been transferred to the reserve or who having voluntarily enlisted in the regular forces have been so transferred shall on being called up for service be liable to be transferred to the Air Force.

(2) There shall be included amongst the exceptions mentioned in the First Schedule to the Military Service Act 1916 the following —

Men serving in the Air Force

Air Force Reserve and Auxiliary Force.

6 (1) It shall be lawful for His Majesty to raise and maintain an Air Force Reserve and an Auxiliary Air Force consisting in each case of such number of officers, warrant officers, non-commissioned officers and men as may from time to time be provided by Parliament and to provide for the transfer or attachment to the Auxiliary Air Force subject to their consent of officers and men of any unit of the territorial force which at the passing of this Act forms part of the Royal Flying Corps.

(2) His Majesty may by Order in Council apply with the necessary adaptations to the Air Force Reserve or to the Auxiliary Air Force or to the Officers or men of any such force any enactment relating to the Army Reserve or to the Territorial Force or to the Officers or men of those forces and such Order in Council shall be laid before both Houses of Parliament.

Consequential amendment of Naval Discipline Act and Army Act.

7 The amendments set out in the second column of the tables in Part I and Part II of the First Schedule to this Act (being amendment consequential on the establishment of an air force) shall be made in or inserted after the provisions of the Naval Discipline Act and the Army Act respectively mentioned in the first column of those tables.<sup>2</sup>

<sup>1</sup> These statutes have expired.  
<sup>2</sup> This sub-section was first rep by 8 Geo 5 c 8 s 1 (5) and Sch 2 sub 1, now part of the 1st section of the 1st section was repealed by s. 9 and Sch. of 1<sup>st</sup> & 13 Geo 2, 5<sup>th</sup> sec infra.

## PART II

### ESTABLISHMENT OF AIR COUNCIL

**8. (1)** For the purpose of the administration of matters relating to the Air Force and to the defence of the realm by air there shall be established an Air Council consisting of one of His Majesty's Principal Secretaries of State, who shall be President of the Air Council, and of other members, who shall be appointed in such manner and subject to such provisions as His Majesty may, by Order in Council, direct

(2) His Majesty may, by Order in Council, fix the date as on which the Air Council is to be established, and make provision with respect to the proceedings of the Air Council and the manner in which the business of the Council is to be distributed among the members thereof

(3) On the establishment of the Air Council, the Air Board constituted under the New Ministries and Secretaries Act, 1916, shall cease to exist and all the powers, duties, rights, liabilities, and property of that Board shall be transferred to the Air Council, but nothing in this sub-section shall affect any orders, instructions or other instruments, issued by the Air Board, and all such instruments shall have effect as if issued by the Air Council

(4) His Majesty may, by Order in Council, transfer from the Admiralty, or from the Army Council or the Secretary of State for the War Department, to the Air Council or the President of the Air Council such property, rights, and liabilities of the Admiralty or Army Council or Secretary of State as may be agreed between the Air Council and the Admiralty or the Army Council, as the case may be

**9. (1)** The Air Council may appoint such secretaries, officers, and servants as the Council may, with the sanction of the Treasury, determine

(2) There shall be paid, out of moneys provided by Parliament, to the members of the Air Council, and to the secretaries, officers, and servants of the Council, such salaries or remuneration as the Treasury may determine

**10. (1)** The Air Council may sue and be sued, and may for all purposes be described by that name

(2) The Air Council shall have an official seal, which shall be officially and judicially noticed, and that seal shall be authenticated by the signature of the President, or of a secretary, or of some person authorised by the Council to act on behalf of a secretary

(3) Every document purporting to be an instrument issued by the Air Council, and to be sealed with the seal of the Council, authenticated

Establishment of Air Council.

Style, seal,  
and proceed-  
ings of Air  
Council

in manner provided by this Act, or to be signed by a secretary or any person authorised by the Council to act on behalf of a secretary shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shown

(4) A certificate signed by the President of the Air Council that any instrument purporting to be made or issued by the Council was so made or issued shall be conclusive evidence of the fact

(5) The Documentary Evidence Act 1868, as amended by the Documentary Evidence Act 1882 shall apply to the Air Council as if that Council were mentioned in the first column of the schedule to the first mentioned Act and as if the President or a secretary of the Council, or any person authorised by the President to act on behalf of the Council, was mentioned in the second column of that schedule

*Provisions  
as to sitting  
in Parliament.*

11. The number of Principal Secretaries of State and Under Secretaries capable of sitting and voting in the Commons House of Parliament shall be increased to five and accordingly section four of the Government of India Act 1858 and sections one of the House of Commons (Vacation of Seats) Act 1864 shall have effect as if the word "five" was substituted for the word "four" wherever that word occurs in those sections

Provided that nothing in this provision shall affect the operation of section nine of the New Ministries and Secretaries Act 1916 so long as that section continues in force

### PART III

#### DISCIPLINE, ETC.

*Application  
of Army Act  
to Air Force*

12. (1) The Army Act as in force immediately before the passing of this Act shall subject to the modifications set out in the Second Schedule to this Act (being amendments required to adapt that Act to the circumstances of the Air Force) apply with respect to the Air Force and shall as so modified take effect as a separate Act of the present session of Parliament and may be printed as a separate Act by the printer to His Majesty and intituled "An Act to provide for the Discipline and Regulation of the Air Force" and that Act may subject to any modifications which may from time to time be made therein be cited as the Air Force Act

Provided that for the purposes of section eighty-eight of the Air Force Act (relating to the continuation of men in air force service in case of emergency) the proclamation issued under section eighty-eight of the Army Act on the outbreak of the present war shall have effect as if it had

been issued under the first-mentioned, as well as the last-mentioned, section, and had applied to the Air Force as well as to the Army.

\* \* \* \* \*

(4) Where, by any enactment passed after the passing of this Act and for the time being in force, any enactments or words are directed to be substituted in <sup>2\*</sup> \* \* the Air Force Act for any other enactments or words, or to be added to or omitted from <sup>2\*</sup> \* \* the Air Force Act, then all copies of the Air Force Act printed after such direction takes effect shall be printed with the said enactments or words added to the said Act or omitted therefrom, or inserted therein in lieu of any enactments or words for which the same are to be substituted, according as such direction requires, and with the sections and sub-sections numbered in accordance with such direction, <sup>3\*</sup> \* \* and the Air Force Act shall be construed as if it had at the time at which such direction takes effect been enacted with such addition, omission, or substitution

(5) A reference in any enactment passed after the passing of this Act to the Air Force Act shall, unless the context otherwise requires, be construed to refer to the Air Force Act as amended by any enactment for the time being in force

**13.** His Majesty may, by Order in Council, apply, with the necessary modifications and adaptations, in relation to the Air Council, the President of the Air Council, and the Air Force, and the Officers and men thereof, and all force property or institutions, any of the enactments relating to the Army Council, the Secretary of State for the War Department, the Army, or the officers and soldiers thereof (including enactments conferring any powers, rights, exemption or abatement from taxation or immunities, or imposing any duties or disabilities on such officers or soldiers), or to military property or institutions, and every such Order in Council shall be laid before both Houses of Parliament

## PART IV

### GENERAL

**14.** Orders in Council, orders and regulations made under this Act Power to alter and re-may be varied and revoked by subsequent Orders in Council, orders and revoke orders. regulations made in like manner

**15.** This Act may be cited as the Air Force (Constitution) Act, 1917 Short title

<sup>1</sup> Sub-section (2) and (8) of s 12 were repealed by 10 Geo 5, c 7, s 26 and Fourth Schedule *infra*

<sup>2</sup> The words "in the Army Act or" and the words "the Army Act or" were repealed by *ibid*

<sup>3</sup> The words "but, as respects amendments to the Army Act, subject to such modifications and exceptions as aforesaid" were repealed by *ibid*

## SCHEDULES

Section 7

## FIRST SCHEDULE

## PART I

## AMENDMENTS OF THE NAVAL DISCIPLINE ACT

## TABLE

Section of Act.	Amendments.
21	<p>For "military or naval forces" there shall be substituted "naval military or air forces."</p> <p>For "military forces" there shall be substituted "military or air forces."</p> <p>After "Secretary of War" there shall be inserted "or the Air Council, as the case may be."</p> <p>After "regiment" there shall be inserted "or unit."</p>
0	<p>After "His Majesty's service" there shall be inserted "or lose or suffer to be lost any aircraft of His Majesty or in His Majesty's service."</p>
53 (0)	<p>After "naval" there shall be inserted "air force."</p>
66	<p>After "military" there shall be inserted "or belonging to the air force and for belong to His Majesty's Navy" there shall be substituted "who is subject to this Act."</p>
87	<p>After "hereby" there shall be inserted "or by any other Act."</p>
88	<p>For "land forces" there shall be substituted "land and air forces."</p>
90A	<p>After sub-section (1) the following sub-section shall be inserted:—</p> <p>"1.1 Where an officer or non-commissioned officer not below the rank of sergeant is a member of a body of His Majesty's Air Force acting with any body of His Majesty's naval forces under such conditions as may be prescribed by regulation made by the Admiralty and Air Council, and such officer or non-commissioned officer is not borne on the books of any of His Majesty's ships in commission, then for the purposes of command and discipline and for the purposes of the provision of this Act relating to expense of officer, he shall in relation to such body of His Majesty's naval forces aforesaid, be treated, and his services acknowledged, no further than 3 years of pay, interest and allowances of a naval officer or petty officer as the same are to"</p>

Section of Act	Amendments
"A—contd	<p>In sub section (2) for "so prescribed as aforesaid" there shall be substituted "prescribed by regulations made by the Admiralty and Army Council,"</p> <p>After sub-section (2) the following sub section shall be substituted —</p> <p>"(2A) Where any naval officer or seaman is a member of a body of His Majesty's naval forces acting with any body of His Majesty's air force under such conditions as may be prescribed by regulations made by the Admiralty and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers, and non-commissioned officers not below the rank of sergeant, of such body of the air force shall, in relation to him, be treated, and may exercise all such powers (other than powers of punishment), as if they were naval officers and petty officers"</p> <p>In sub-section (3) "and air force" shall be inserted after "naval and military"</p>

## PART II

### AMENDMENTS OF THE ARMY ACT

#### TABLE

Section of Act	Amendments
6 (1) (d) . . . .	" Soldier when acting as " shall be omitted
7 . . . .	For "any forces belonging to His Majesty's regular, reserve, or auxiliary forces or navy" and for "His Majesty's regular, reserve, or auxiliary forces or navy" (wherever those words occur) there shall be substituted "any of His Majesty's military, naval, or air forces."
13 (1) (b) . . . .	After "reserve forces" there shall be inserted "or in the air force"
24 (3) . . . .	For "military decoration" there shall be substituted "military or air-force decoration."
27 (3) . . . .	"Navy or air force" shall be substituted for "navy" whenever it occurs

Section of Act.	Amendments.
31	In sub-sections (1), (7), and (8) "aircraft" shall be omitted wherever it occurs, and in sub-sections (4) and (6) for "vessel or aircraft" there shall be substituted "or vessel."
32	"Military or air" shall be inserted after "His Majesty's" wherever those words occur
115	In sub-section (1) "and also of aircraft of every description" shall be omitted. In sub-sections (3) (6) (7) and (9) "aircraft" shall be omitted wherever it occurs, and in sub-section (8) for "vessels and" there shall be substituted "and vessels."
116	"Aircraft" shall be omitted
119	For "vessel or aircraft" there shall be substituted "or vessel"
121	"Aircraft" shall be omitted wherever it occurs.
142	After "naval" there shall be inserted "air force."
152	After "naval" there shall be inserted "air force."
150 (1)	For "military decorations" there shall be substituted "military or air force decorations."
163 (1) (b)	After "Admiralty" "or of the Air Council" shall be inserted.
175	After sub-section (1) the following sub-section shall be inserted:— "(1A) Any officer of His Majesty's Air Force who is attached to, or seconded for service with, the regular forces subject however to the modifications contained in this Act.
176	After sub-section (1) the following sub-section shall be inserted:— "(1A) All airmen of the Air Force who are attached to the regular forces subject however to the modifications contained in this Act.
179	After the section the following section shall be inserted:— "179. Where an officer or airmen of the Air Force is attached to, or seconded for service with, the regular forces, this Act shall apply to him subject to the following regulations:— (a) a general court martial for the trial of any such officer or airmen shall not be convened except by His Majesty or by an officer authorised to convene such a court-martial under the Air Forces Act (which shall be subject to such such a court-martial if he so

Section of Act	Amendments
179— <i>contd</i>	<p>purpose of this section), except that when such officer or airman while subject to this Act is serving beyond the seas with a body of the regular forces, and in the opinion of the general or other officer commanding that body (such opinion to be stated in the order convening the court and to be conclusive) there is not present any officer authorised under the Air Force Act to convene a general court-martial, a general court-martial convened by such general or other officer, if authorised to convene general courts-martial under this Act, may try such officer or airman,</p> <p>(b) a district court-martial for the trial of any such airman may be convened by any officer having authority to convene a district court-martial for the trial of a soldier of the regular forces,</p> <p>(c) Without prejudice to any power of confirmation the findings and sentences of any general court-martial on any such officer or airman may be confirmed by His Majesty or by an officer authorised under this section to convene the same</p> <p>(d) Anything required or authorised by this Act to be done by, to, or before the Army Council or Judge Advocate-General may as regards any such officer or airman be done by, to or before the Air Council, and the provisions of this Act shall be construed, so far as respects any such officer or airman, as if 'the Air Council' were substituted for 'the Army Council' and 'Judge Advocate-General' wherever those words occur,</p> <p>(e) Anything required or authorised by this Act to be done by, to, or before the Commander-in-Chief of the forces in India, or the general or other officer commanding the forces in any colony or elsewhere, may as regards any such officer or airman be done by to, or before such officer as the Air Council may appoint in that behalf, and, if no such appointment is made, by such Commander-in-Chief or general or other officer,</p> <p>(f) if any such officer or airman commits an offence for which he is not amenable under this Act, but for which he can be punished under the Air Force Act, he may be tried and punished for such offence under that Act."</p>

Section of Act.	Amendments.
184A	<p>The following sub-section shall be inserted after sub-section (1) :—</p> <p>(1A) Where an officer or non-commissioned officer of the Air Force is a member of a body of His Majesty's Air Force acting with any body of His Majesty's military forces under such conditions as may be prescribed by regulations made by the Army Council and the Air Council, then, for the purposes of command and discipline, and for the purposes of the provisions of this Act relating to superior officers he shall, in relation to such body of His Majesty's military forces as aforesaid, be treated, and have all such powers (other than powers of punishment), as if he were a military officer or non-commissioned officer as the case may be</p> <p>Provided that under regulations made by the Army Council and Air Council the officers and airmen of a body of the Air Force acting with any body of His Majesty's military forces on active service or any of such officers or airmen, may in such manner and in such circumstances, and subject to such conditions as may be provided by or under those regulations, be made subject to military law and in such case they shall be subject thereto in like manner as if they were officers and airmen attached to the Army."</p> <p>In sub-section ("") for "so prescribed as aforesaid" there shall be substituted "prescribed by regulations made by the Army Council and the Admiralty"</p> <p>After sub-section (2) the following sub-section shall be inserted :—</p> <p>"(2A) Where any officer or soldier is a member of His Majesty's military forces acting with any body of His Majesty's Air Forces under such conditions as may be prescribed by regulation made by the Army Council and Air Council, then for the purposes of command and discipline and for the purposes of the provision of this Act relating to superior officers the officers and non-commissioned officers of such body of the Air Force shall, in relation to him, be treated and have all such powers (other than powers of punishment) as if they were military officers or non-commissioned officers.</p> <p>In sub-section (3) "and air force" shall be inserted after "naval and military"</p> <p>In sub-section (4) "military" shall be omitted.</p> <p>After sub-section (4) the following sub-section shall be inserted :—</p> <p>"(4A) Airmen has the same rank as in the Air Force Act."</p>
189	

## SECOND SCHEDULE.

## PART I

## GENERAL MODIFICATIONS

Subject to the specific modifications made in Part II of this Schedule the Army Act shall apply with respect to the Air Force with the substitution of the terms set forth in the second column of the following table for the terms set forth in the first column of that Schedule wherever those terms occur in the Army Act.

TABLE

Terms in Army Act	Substituted Terms
"Army Act"	Air Force Act.
"Army Council"	Air Council.
"regular forces"	regular air force
"forces" where referring exclusively to the regular forces	force
"reserve forces," "army reserve," or "army reserve force"	air force reserve.
"army service"	air force service
"auxiliary forces"	auxiliary air force
"soldier"	airman
"soldiers" (except in section 102)	airmen
"subject to military law"	subject to this Act.
"military" when qualifying "custody," "purposes," "prison," "prisoner," "convict," "reward," "pay," "pension," "allowances," "service," "office," "officer," "escort," "duty," "discipline," "authority" (whether such words are used in the singular or the plural)	air force.
"corps" (except in sections 6 (1) (j), 158 (1), 163 (1) (d) and 181 (5))	corps or Unit } as the case corps or units } may require
"battalion"	unit
"regimental" when qualifying "money," "goods," "Mess," "band," "necessaries" (except in section 156 (7),) "baggage," "books," "institution" or "stores"	service.

## • PART II

## SPECIFIC MODIFICATIONS

The provisions of the Army Act mentioned in the first column of the following table shall be modified or excepted as provided in the second column of that table and new sections shall be inserted as provided in that table

TABLE

Section of Army Act.	Modification or Exception.
2	This section shall be omitted.
3	this Act " shall be substituted for "military law"
4	The following sub-sections shall be added after sub-section (7) --- or (8) "Treacherously or shamefully causes the capture or destruction by the enemy of any of His Majesty's aircraft; or (9) Treacherously gives any false air signal or alters or interferes with any air signal; or (10) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air treacherously or shamefully fails to use his utmost exertions to carry such orders into effect."
5	The following sub-sections shall be added after sub-section (6) --- or (7) Negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft; or (8) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air negligently or through other default fails to use his utmost exertions to carry the order into effect."
6	In sub-section (1) paragraph (a) shall be omitted. In sub-section (1) (d) "soldier when acting, as" shall be omitted. In sub-section (1) the following paragraph shall be added after paragraph (1) --- "re (i) Without due authority alters or interferes with any air signal." In sub-sections (1) (k) and (1) (l) "drawing, writing, banding drums" and "in action on the march in the field or elsewhere" shall be omitted

Section of Army Act.	Modification or Exception
7	For "any forces belonging to His Majesty's regular, reserve, or auxiliary forces or navy," and for "His Majesty's regular, reserve, or auxiliary forces, or navy," wherever those words occur, there shall be substituted "any of His Majesty's naval, military or air forces"
11	For "general or garrison or other orders" there shall be substituted "general, local or other orders," and for "army" wherever it occurs there shall be substituted "air force"
12 (1)	In paragraph (a) the following words shall be substituted for the words from the beginning down to and including "actual military service"—  "When belonging to the regular air force or to the auxiliary air force when embodied," and "any air force" shall be substituted for "any force"
	In paragraph (b) "the air force reserve or the auxiliary air force or any of the military forces" shall be substituted for "the militia or territorial force or in any of the reserve forces"
15 (2)	For "quits the ranks" there shall be substituted "quits his duty or duties"
15 (3)	For "general, garrison or other order" there shall be substituted "general, local, or other order"
24 (3)	"air-force, naval or military" shall be substituted for "military"
27 (3)	"Army or Navy" shall be substituted for "Navy" wherever it occurs, and "the regular reserve or auxiliary air force" shall be substituted for "the regular forces, reserve forces or auxiliary forces"
32 .	"air or military" shall be inserted after "His Majesty's" wherever those words occur
39	After this section the following section shall be inserted—  "39-A. Every person subject to this Act who commits any of the following offences, that is to say—  (a) wilfully or by wilful neglect or negligently damages, destroys, or loses any of His Majesty's aircraft or aircraft materials, or  (b) is guilty of any neglect likely to cause such damage destruction or loss, or  (c) by neglect (whether wilful or otherwise) causes damage to or destruction of any public property by fire, or

## • PART II

## SPECIFIC MODIFICATIONS

The provisions of the Army Act mentioned in the first column of the following table shall be modified or excepted as provided in the second column of that table, and new sections shall be inserted as provided in that table.

TABLE

Section of Army Act.	Modification or Exception.
2	This section shall be omitted.
3	this Act shall be substituted for "military law"
4	The following sub-sections shall be added after sub-section (7):—“or (8) Treacherously or shamefully causes the capture or destruction by the enemy of any of His Majesty's aircraft; or (9) Treacherously gives any false air signal or alters or interferes with any air signal; or (10) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air treacherously or shamefully fails to use his utmost exertions to carry such orders into effect.”
5	The following sub-sections shall be added after sub-section (6):—“or (7) Negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft; or (8) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air negligently or through other default fails to use his utmost exertions to carry the order into effect.
6	In sub-section (1) paragraph (e) shall be omitted. In sub-section (1) (d) “soldier when acting as” shall be omitted. In sub-section (1) the following paragraph shall be added after paragraph (1):—“or (i) Without due authority alters or interferes with any air signal.” In sub-sections (1) (k) and (1) (s) “drawing swords, beating drums,” and “in action on the march in the field elsewhere” shall be omitted.

Section of Army Act	Modification or Exception
7	For "any forces belonging to His Majesty's regular, reserve, or auxiliary forces or navy," and for "His Majesty's regular, reserve, or auxiliary forces, or navy," wherever those words occur, there shall be substituted "any of His Majesty's naval, military or air forces"
11	For "general or garrison or other orders" there shall be substituted "general, local or other orders," and for "army" wherever it occurs there shall be substituted "air force"
12 (1)	In paragraph (a) the following words shall be substituted for the words from the beginning down to and including "actual military service"—  "When belonging to the regular air force or to the auxiliary air force when embodied," and "any air force" shall be substituted for "any force"
	In paragraph (b) "the air force reserve or the auxiliary air force or any of the military forces" shall be substituted for "the militia or territorial force or in any of the reserve forces"
15 (2)	For "quits the ranks" there shall be substituted "quits his duty or duties"
15 (3)	For "general, garrison or other order" there shall be substituted "general, local, or other order"
24 (3)	"air-force, naval or military" shall be substituted for "military"
27 (3)	"Army or Navy" shall be substituted for "Navy" wherever it occurs, and "the regular reserve or auxiliary air force" shall be substituted for "the regular forces, reserve forces or auxiliary forces"
32	"air or military" shall be inserted after "His Majesty's" wherever those words occur
39	After this section the following section shall be inserted—  "39-A. Every person subject to this Act who commits any of the following offences, that is to say—  (a) wilfully or by wilful neglect or negligently damages, destroys, or loses any of His Majesty's aircraft or aircraft materials, or  (b) is guilty of any neglect likely to cause such damage destruction or loss, or  (c) by neglect (whether wilful or otherwise) causes damage to or destruction of any public property by fire, or

Section of Army Act.	Modification or Exception.
39—contd.	<p>(d) without lawful authority disposes of any of His Majesty's aircraft or aircraft material or</p> <p>(e) wilfully or by wilful neglect or negligently causes any danger in flying to the life of any officer or airman of the Air Force; or</p> <p>(f) during a state of war wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of His Majesty's aircraft</p> <p>shall, on conviction by court martial, be liable if he has acted wilfully or with wilful neglect to suffer penal servitude or such less punishment as is in this Act mentioned, and in any case to suffer imprisonment or such less punishment as is in this Act mentioned.</p>
43	The words from "or in the case of" to "may appoint" (both inclusive) shall be omitted.
44 (1)	"air force" shall be substituted for "army"
44 (11)	"air force decoration" shall be substituted for "military decoration" and "as applied to the air force" shall be inserted after "Regimental Decorations Act 1893," and "as so applied" shall be inserted after "savings banks" and after "Acta."
44 (13)	The words "under this Act" shall be omitted, and "this Act" shall be substituted for "such law"
45 (2)	"according to the usages of the service" shall be omitted, and at the end of the sub-section "and includes naval and military custody" shall be inserted.
47	This section shall be omitted.
49	In sub-section (3) "seven" shall be substituted for "nine" and at the end of the section the following sub-section shall be inserted:—
	<p>"(10) If it becomes necessary to convene a court martial under this Act at any place where in the opinion of the convening officer the necessary number of officers of the air force is not available to form such a court or where in his opinion such a necessary number could not be made available without serious injury to the interests of the service (such opinion to be expressed in the order convening the court and to be countersigned), then the said convening officer may with the consent of the proper naval or military authority nominate any naval or military officer to preside over the court, or nominate a member of the court any necessary number of naval or military officers in addition to or in lieu of officers of the air force; provided that no naval or military officer shall be qualified to</p>

Section of Army Act	Modification or Exception
48— <i>contd</i> . .	perform any function in relation to such court-martial unless he is of equal seniority and equivalent rank to that which would have been required by the provisions of this Act if he had been an officer of the air force”
49 (1) .	For “troops,” wherever that word occurs, and for “forces” there shall be substituted “the air force”
49 (2)	After “this Act” there shall be inserted “except sub-section (10) thereof”
54 (1) . .	Paragraph (a) shall be omitted  In paragraph (d) for “troops” there shall be substituted “the air force” for “general or field officer” there shall be substituted “general field or flag officer,” and at the end of that paragraph “whether such officer is an officer of the air force or of the naval or military forces” shall be inserted
57 (2) .	In paragraph (a) “or the officer commanding the district or station where the prisoner subject to such punishment may for the time be” and “and” shall be omitted  Paragraphs (b), (c) and (d) shall be omitted
60	The following sub-section shall be substituted for sub-section (11)— “The committing authority for the purpose of this section whether in India or a colony, shall be the prescribed officer”  In paragraph (a) of sub section (12) and paragraph (b) of sub-section (13) “prescribed” shall be substituted for “in this section named”  Paragraph (b) of sub-section (12) shall be omitted
61 (5)	Paragraph (a) shall be omitted
64 (3)	Paragraph (b) shall be omitted
64 (4)	Paragraph (b) shall be omitted
65 (4)	Paragraphs (a) and (b) and paragraph (c) down to and including the words “In any case” shall be omitted.
65 (5)	Paragraph (a) shall be omitted.
65 (6)	Paragraph (b) shall be omitted
66	The words “army or” shall be omitted, and at the end of the section the words “whether such an officer is an officer of the air force or of the army or navy” shall be inserted.
67 (4)	*Paragraphs (b) and (c) and paragraph (d) down to and including the word “whether” shall be omitted

Section of Army Act.	Modification or Exception.
70 (1) (i)	" by court-martial under this Act " shall be substituted for " by military law "
73 (3)	All from or in the case of India (inclusive) shall be omitted
74 (1)	the air force shall be substituted for forces."
82	Sub-section (2) shall be omitted.
83	This section shall be omitted.
92	In sub-section (1) " that force " shall be substituted for " those forces " and sub-section (3) shall be omitted.
101	For first class of the army reserve force " there shall be substituted " air force reserve.
106 (3)	At the end of the sub-section there shall be inserted " as respects the army "
109 A	In sub-section (1) " air force " shall be substituted for " forces " and " military " shall be omitted, and in sub-section (6) " air force " shall be substituted for " Army "
114 (1)	After " carriages and animals," where those words first and secondly occur there shall be inserted " and aircraft."
	At the end of the sub-section the following proviso shall be inserted —
	" Provided that if in any year a list of carriages and animals is made out under section one hundred and fourteen of the Army Act a list of carriages and animals shall not be made out under this section, but the list so made out shall have effect as if it had been made out under this section as well as under the said section of the Army Act.
114 (1a)	After " carriages or animals," wherever those words occur there shall be inserted " or aircraft "
114 (4)	In England and Scotland " and either the Police authority or the county association established under the Territorial and Reserve Forces Act 1907 and in Ireland " shall be omitted.
115 (1)	" military " shall be omitted.
115 (6)	" military " shall be omitted and for " its equipment " there shall be substituted " body of the air force "
115 (7)	or an order for the amount thereof shall be omitted.

Section of Army Act	Modification or Exception
115 (8)	“or an order for the embodiment of the militia” shall be omitted.
122 (1)	In paragraphs (b) and (c) “territorial” shall be omitted
122 (6)	At the end there shall be inserted — “it also includes, in the case of a body of the air force on active service, the officer commanding-in-chief in the field, whether such officer is an officer of the air force, army, or navy”
130 (5)	At end there shall be inserted — “Provided that this sub section shall not apply to a person imprisoned in England”
133 (7)	After “officer commanding-in-chief in the field,” there shall be inserted “whether such officer is an air force, military or naval officer”
135	For “the service” there shall be substituted “the air service”
138 (4)	For “any arms, ammunition, equipment,” there shall be substituted “any aircraft or any part thereof, or any arms, ammunition, aircraft material, or any other equipment,” and for “military decoration” there shall be substituted “air force decoration”
142 (2)	For “military, naval, or civil authority” there shall be substituted “air force, military, naval, or civil authority” and for “the regular reserve or auxiliary forces” there shall be substituted “the regular reserve or auxiliary air force.”
152	For “military, naval, or civil authority” there shall be substituted “air force, military, naval, or civil authority”
154 (5)	“military” shall be omitted and “air force” shall be substituted for “forces”
155	The words from “except” to “Forces Act, 1871” (both inclusive) shall be omitted, and after “1875” there shall be inserted “as applied to the air force.”
15 (1)	“air-force, naval, or military decorations” shall be substituted for “military decorations,” and “the charge of a unit of the air force” shall be substituted for “regimental charge.”
162 (1)	For “military punishment” there shall be substituted “punishment under this Act”
163 (1)	In paragraph (a) “any of” shall be omitted, in paragraph (b) for “Army Council” there shall be substituted “Air Council or the Army Council,” in paragraph (c) “air-force circulars” shall be substituted for “army circulars,” and in paragraph (d) “air-force list” shall be substituted for “army list”

Section of Army Act.	Modification or Exception.
165	The words "of the judge advocate general, or" "such judge advocate general or his deputy authorised in that behalf, or by" and "judge advocate general, deputy or" shall be omitted.
172 (1)	The words "or by the Commander in-chief or adjutant general of the forces in India" and "commander in-chief adjutant general or" shall be omitted.
175	Sub-sections (3), (5), (6) and (9) and in sub-section (7) the words from and including "subject to this qualification" to the end of the sub-section shall be omitted.
	The following sub-section shall be inserted after sub-section (1) —
	“(1 A) Any officer of the naval or military forces of the Crown who is attached, or lent to, or seconded for service with, the air force subject however to the modifications contained in this Act, and with this exception, that if the members of the body of the air force with whom any such naval officer is serving are themselves subject to the Naval Discipline Act he shall remain subject to that Act.”
	In sub-section (2) “any of” shall be omitted.
	In sub-section (3A) “auxiliary air” shall be substituted for “territorial”
	In sub-section (4) for “troops or portion of troops” there shall be substituted “air force or portion of an air force”
	In sub-section (7) “airforce” shall be substituted for “troops” and “any of” shall be omitted.
	In sub-section (8) “any part of the air force” shall be substituted for “a force” for “such force” there shall be substituted “such part”
	In sub-section (10) “air force” shall be inserted before “officers.”
	In sub-section (11) “an air force” shall be substituted for “a force” and for “the regular reserve or auxiliary forces” there shall be substituted “the regular reserve or auxiliary air force”
16	The following sub-section shall be inserted after sub-section (1) —
	(1 A) All petty officer, non-commissioned officer, and warrant and members of the naval or military forces of the Crown who are attached or lent to the Air Force subject however to the modifications contained in this Act, and with this exception, that if the members of the Air Force with whom any such petty officer or man of the Air Force is serving are themselves subject to the Naval Discipline Act he shall remain subject to that Act.”

Section of Army Act	Modification or Exception
176 -contd . . .	<p>In sub-section (2) "any of" shall be omitted</p> <p>In sub-section (5) "or the militia reserve force" and paragraph (b) shall be omitted</p> <p>Sub-sections (6), (7), (8) shall be omitted</p> <p>In sub-section (6A) "auxiliary air" shall be substituted for "territorial."</p> <p>In sub-section (8A) "the regular, reserve, or auxiliary air force" shall be substituted for "the regular, reserve, or auxiliary forces"</p> <p>In sub-sections (9) and (10) "air force" shall be substituted for "troops," and in sub-section (9) "any part of" shall be substituted for "any of," and in sub-section (10) the words from and including "subject to this qualification" to the end of the sub-section shall be omitted</p>
177 . . .	<p>For "any force of volunteers, or of militia or any other force" there shall be substituted "any air force"</p> <p>For "His Majesty's forces" there shall be substituted "the part of His Majesty's air force"</p> <p>For "the regular reserve or auxiliary forces" there shall be substituted "the regular, reserve, or auxiliary air force"</p>
178 . . .	The words "military law in pursuance of" shall be omitted wherever those words occur
179 . . .	<p>For this section the following sections shall be substituted —</p> <p>"179 Officers and airmen of the air force during the time they are borne on the books of any of His Majesty's ships in commission (unless made subject to this Act as hereinafter provided) shall be subject to the Naval Discipline Act and to the laws for the government of the officers and seamen in His Majesty's Navy, and the rules for the discipline of His Majesty's Navy for the time being, and shall be tried and punished for any offence in the same manner as officers and seamen in His Majesty's Navy</p> <p>Provided that—</p> <p>(a) this provision shall not prevent the application of this act to any person dealing with or having any relations with any such officer or airman, or to any such officer or airman if found on shore as a deserter or absentee without leave,</p>

Section of Army Act.	Modification or Exception.
179—contd.	<p>(b) if any such officer or airman is employed on land the senior naval officer present may if it seems to him expedient order that he shall during such employment be subject to this Act, and while such order is in force he shall be subject to this Act accordingly;</p>
	<p>(c) if any such officer or airman commits an offence for which he is not amenable to a naval court martial, but for which he can be punished under this Act he may be tried and punished for such offence under this Act.</p>
179-A.	<p>(I) Where an officer, petty officer or seaman of the naval forces when not subject to the Naval Discipline Act or an officer non-commissioned officer or soldier of the military forces, is attached, or lent to, or seconded for service with, the regular Air Force this Act shall apply to him, subject to the following modifications:—</p>
	<p>(a) A general court martial for the trial of any such officer, petty officer, non-commissioned officer, seaman, or soldier shall not be convened except—</p>
	<p>(i) in the case of an officer, petty officer or seaman of the naval forces by the Admiralty or by an officer authorised by a warrant from the Admiralty in pursuance of this section;</p>
	<p>(ii) in the case of an officer, non-commissioned officer or soldier of the military forces, by his Majesty or by an officer authorised to convene a general court martial under the Army Act (who shall have power to convene a general court martial for the purposes of this section);</p>
	<p>except that where the officer, petty officer, non-commissioned officer, seaman or soldier is serving beyond the seas with a body of the regular Air Force and in the opinion of the general or other officer commanding that body (such opinion to be stated in the order convening the court and to be conclusive) there is not present any officer so authorised to convene a general court martial under this section, a general court martial convened by such general or other officer (if authorised to convene general courts martial under this Act) may try such officer, petty officer, non-commissioned officer, seaman or soldier;</p>
	<p>(b) A district court martial for the trial of any such officer, non-commissioned officer, seaman or soldier may be convened by any officer having authority to convene a general court martial for the trial of an airman of the regular Air Force;</p>

Section of Army Act	Modification or Exception.
179—concl'd.	<p>(c) Any power in relation to the convening of courts-martial, or of authorising an officer to convene courts-martial, or to delegate the powers of convening courts-martial, or of confirming the findings and sentences of courts-martial, or otherwise in relation to courts-martial, which under this Act His Majesty may exercise by any warrant or warrants, may, as respects any such officer, petty officer, or seaman of the naval forces, be exercised in His Majesty's name by a warrant or warrants from the Admiralty, and any such warrant may be addressed to any officer to whom any warrant of His Majesty can be addressed,</p> <p>(d) Without prejudice to any power of confirmation, the findings and sentences of any general court-martial on any such officer, petty officer, non-commissioned officer, seaman, or soldier may be confirmed in the case of an officer, petty officer, or seaman of the naval forces by the Admiralty, and in the case of an officer, non-commissioned officer, or soldier of the military forces by His Majesty, or in either case by an officer authorised under this section to convene the same,</p> <p>(e) Anything required or authorised by this Act to be done by, to, or before a Secretary of State or the Air Council may as regards any such officer, petty officer, or seaman of the naval forces be done by, to, or before the Admiralty, and the provisions of this Act shall be construed, so far as respects any such officer, petty officer, or seaman, as if "the Admiralty" were substituted for "Secretary of State" and "Air Council" wherever those words occur,</p> <p>(f) Anything required or authorised by this Act to be done by, to, or before the Air Council may, as regards any such officer, non-commissioned officer, or soldier of the military forces, be done by, to, or before the Army Council, and the provisions of this Act shall be construed, so far as respects any such officer, non-commissioned officer, or soldier, as if "Army Council" were substituted for "Air Council" wherever those words occur,</p> <p>(g) If any such officer, petty officer, non-commissioned officer, seaman, or soldier commits an offence for which he is not amenable under this Act, but for which he can be punished under the Naval Discipline Act or, as the case may be, the Army Act, he may be tried and punished for such offence under that Act</p> <p>(2) In the application of this section to the Royal Marines petty officer and seaman of the naval forces shall mean non-commissioned officer and man of the Royal Marines"</p>

Section of Army Act.	Modification or Exception.
180	Sub-section (2) shall be omitted.
181	For "any of His Majesty's auxiliary forces and His Majesty's auxiliary forces there shall be substituted the auxiliary air force" and for the following expressions namely—"territorial force the battalion of militia, or the battalion or corps of yeomanry or volunteers," "territorial force or militia," "territorial force or militia" (whenever those words occur), "territorial force a battalion of militia, or a battalion or corps of yeomanry or volunteers, as the case may be" "territorial force militia, yeomanry or volunteers, and volunteers or the territorial force" there shall be substituted "auxiliary air force."
	Paragraph (d) of sub-section (4) shall be omitted.
182	In sub-section (1) the words "not tried by regimental court martial" shall be omitted.
	Sub-section (3) shall be omitted.
183	In sub-section (2) the words from "and in India" to "in Council" may appoint (both inclusive) shall be omitted.
	For "general officer" there shall be substituted general or flag officer" and after "in the field" there shall be inserted (whether such officer is an officer of the air force army or navy).
	In proviso (a) to sub-section (4) "air force" shall be substituted for "army."
	In proviso (b) the words from "and in India" down to "may appoint" (both inclusive) shall be omitted, and "air force" shall be substituted for "army."
184	In sub-section (1) "other than a regimental court martial," and in sub-section (2) "or by a regimental court martial" shall be omitted.
184 1	"air force" shall be substituted for "military forces" whenever those words occur.
	In sub-section (1) "or is attached to" shall be omitted, and "an air force officer" shall be substituted for "a military officer."
	The following subsection shall be inserted after sub-section (1)—
	"(1A) Where an officer or non-commissioned officer of the Army is a member of a body of His Majesty's air force, with any title of His Majesty's air force under which title he may be possessed by regulation made by the Army Council and Air Council then

Section of Army Act	Modification or Exception.
184-A— <i>contd</i>	<p>for the purposes of command and discipline, and for the purposes of the provisions of this Act relating to superior officers he shall, in relation to such body of His Majesty's Air Force as aforesaid, be treated and have all such powers (other than powers of punishment) as if he were an air force officer or non-commissioned officer, as the case may be</p> <p>Provided that under regulations made by the Air Council and Army Council, the officers and soldiers of a body of His Majesty's military forces acting with any body of the Air Force on active service, or any of such officers or soldiers, may, in such manner and in such circumstances and subject to such conditions, as may be provided by or under those regulations, be made subject to this Act, and in such case they shall be subject thereto in like manner as if they were officers and soldiers attached to the Air Force"</p>
	<p>In sub section (2) for "naval forces" there shall be substituted "naval or military forces," for "so prescribed as aforesaid" there shall be substituted "prescribed by regulations made by the Air Council and (as the case may be) the Admiralty or the Army Council and such officer or airman is not borne on the books of any of His Majesty's ships in commission," "air force officers" shall be substituted for "military officers," and after the words "such naval body" there shall be inserted the words "or the officers and non-commissioned officers of such military body (as the case may be)"</p>
	<p>In sub-section (3) "and air force" shall be inserted after "naval and military"</p>
187	Sub-sections (3) and (4) shall be omitted.
189 (1)	"warlike operations" shall be substituted for "military operations"
189 (2)	For the words from the beginning of the sub-section down to and including the words "commanding such forces" there shall be substituted the words "where the Governor of a colony in which any part of His Majesty's air force is serving, or if part of such force is serving out of His Majesty's dominions, the General Officer Commanding such part"
	"force" shall be substituted for "forces" wherever the word occurs, and "it was" shall be substituted for "they were"
189 (3)	"force" shall be substituted for "forces."
190 .	Sub-sections (3), (9), (12), (13), (14), (16) and (22) shall be omitted.

Section of Army Act.	Modification or Exception.
190—contd.	<p>In sub-section (4) for "His Majesty's forces," wherever those words occur and for "His Majesty's land forces," there shall be substituted "the air force," and in sub-section (5) for "army" there shall be substituted "air force," and in sub-section (8) the words from "and including" to "Royal Malta Artillery" (both inclusive) shall be omitted.</p> <p>The following sub-section shall be substituted for sub-section (15):—</p> <p>"(15) The expression <i>corps</i> means any such body of the air force as may be from time to time declared by Royal Warrant to be a corps for the purpose of this Act, and the expression <i>unit</i> means any such unit of the air force as may be from time to time declared by orders or regulations as to the government of the air force to be a unit for any of the purposes of this Act.</p>
	<p>The following sub-section shall be substituted for sub-section (17):—</p> <p>"(17) The expression <i>service</i> when qualifying institution, necessaries, books, band, mess, money, goods, and other property means belonging to or connected with the air service or any unit or part of a unit thereof."</p>
	<p>In sub-section (18) "military" shall be omitted.</p> <p>The following new sub-sections shall be inserted at the end of the section:—</p> <p>"(41) The expression <i>soldier</i> has the same meaning as in the Army Act.</p> <p>"(42) The expression <i>aircraft</i> includes aeroplane balloons, kite balloons, airships or other machines for flying."</p> <p>"(43) The expression <i>aircraft material</i> includes any engines, fittings, gun gear, instruments or apparatus, for use in connection with aircraft and any components and accessories of aircraft and petrol or any other substance used for providing motive power for aircraft and lubricating oil."</p> <p>"(44) The expression <i>air signal</i> means any signal intended for the guidance of aircraft whether given by flag, ground signal, light, wind indicator or in any other manner whatsoever."</p> <p>"(45) The expression <i>the forces</i> and "H.M. Forces" include His Majesty's naval, military and air forces."</p> <p>"(46) The expression <i>of officers</i>" means any officer, in the rank of captain and below the rank of general officers."</p>
Schedule 4	<p>"In, of the _____ Regiment of _____" shall be omitted and for "before mentioned corps" there shall be substituted "before mentioned unit."</p>

## THE AIR FORCE ACT

## AN ACT TO PROVIDE FOR THE DISCIPLINE AND REGULATION OF THE AIR FORCE

Being the Army Act modified in accordance with the provisions of the Air Force (Constitution) Act, 1917 (7 & 8 Geo 5, c 51) and amended by the Air Force Act (Statutory Amendment) Orders, 1918 and 1919, and subsequent Statutes.

## ARRANGEMENT OF SECTIONS

## NOTE

The numbering of sections and sub-sections of this Act follows that of the corresponding sections of the Army Act. For this reason, the numbering is in some instances not consecutive.

## PRELIMINARY

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- 3 Division of Act

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*Offences in respect of Air Force Service*

- 4 Offences in relation to the enemy punishable with death
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- 6 Offences punishable more severely on active service than at other times

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- 7 Mutiny and sedition
- 8 Striking or threatening superior officer
- 9 Disobedience to superior officer
- 10 Insubordination
- 11 Neglect to obey garrison or other orders

*Desertion, Fraudulent Enlistment and Absence without Leave*

- 12 Desertion
- 13 Fraudulent enlistment
- 14 Persuasion of or connivance at desertion
- 15 Absence from duty without leave

*Disgraceful Conduct***SECTION**

- 16 Scandalous conduct of officer
- 17 Fraud by persons in charge of moneys or goods
- 18 Disgraceful conduct of airman

*Drunkenness*

- 19 Drunkenness

*Offences in relation to Prisoners*

- 20 Permitting escape of prisoner
- 21 Irregular imprisonment
- 22 Escape from confinement

*Offences in relation to Property*

- 23 Corrupt dealings in respect of supplies to forces
- 24 Deficiency in and injury to equipment

*Offences in relation to False Documents and Statements*

- 25 Falsifying official documents and false declarations
- 26 Neglect to report and signing in blank
- 27 False accusation or false statement by airman

*Offences in relation to Courts martial*

- 28 Offences in relation to courts-martial
- 29 False evidence

*Offences in relation to Billeting*

- 30 Offences in relation to billeting

*Offences in relation to Impression of Carriages etc*

- 31 Offences in relation to the impression of carriages etc and their attendants

*Offences in relation to Enlistment*

- 32 Enlistment of airman, soldier or sailor discharged with ignominy or disgrace
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37. Ill-treating airmen.
38. Duelling and attempting to commit suicide
39. Refusal to deliver to civil power officers and airmen accused of civil offences

*Special Offences in relation to Aircraft, etc*

- 39A. Damage to aircraft, etc

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40. Conduct to prejudice of air force discipline

*Offences punishable by ordinary Law*

41. Offences punishable by ordinary law of England

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42. Mode of complaint by officer

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*Punishments*

44. Scale of punishments by courts-martial

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45. Custody of person charged with offences

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46. Power of commanding officer

47. Power to deal summarily with charges against officers and warrant officers

*Courts-martial*

48. General and district courts-martial

49. Field general courts-martial

50. Courts-martial in general

51. Challenges by prisoner

52. Administration of oaths

53. Procedure

54. Confirmation, revision and approval of sentences

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- 59 Execution of sentences of penal servitude passed in the United Kingdom
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- 61 Execution of sentences of penal servitude passed in a foreign country
- 62 General provisions applicable to penal servitude
- 63 Execution of sentences of imprisonment and detention
- 64 Supplemental provisions as to sentences of imprisonment or detention passed or being undergone in the United Kingdom
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**SCHEDULES****THE AIR FORCE ACT**

*An Act to provide for the Discipline and Regulation of the Air Force*

BE it enacted by the King & most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

*Preliminary*

title of 1 This Act may be cited for all purposes as the Air Force Act  
 on of 2 This Act is divided into five parts relating to the following subject  
 matters that is to say  
 Part I —Discipline  
 Part II —Enlistment  
 Part III —Billeting and impressment of carriers  
 Part IV —General provisions  
 Part V —Application of this Act saving provisions and definitions

**PART I****DISCIPLINE****CRIMES AND PUNISHMENTS***Offences in respect of Air Force Service*

4 Every person subject to this Act who commits any of the following  
 offences that is to say  
 (1) Sham fully abandoned or deserts up any garrison place post  
 or guard or uses any means to compel a like force

nor, commanding officer, or other person shamefully to abandon or deliver up any garrison, place, post, or guard, which it was the duty of such governor, officer, or person to defend; or

- 2) Shamefully casts away his arms, ammunition, or tools in the presence of the enemy, or
- (3) Treacherously holds correspondence with or gives intelligence to the enemy, or treacherously or through cowardice sends a flag of truce to the enemy, or
- (4) Assists the enemy with arms, ammunition, or supplies, or knowingly harbours or protects an enemy not being a prisoner, or
- (5) Having been made a prisoner of war, voluntarily serves with or voluntarily aids the enemy, or
- (6) Knowingly does when on active service any act calculated to imperil the success of His Majesty's forces or any part thereof, or
- (7) Misbehaves or induces others to misbehave before the enemy in such manner as to show cowardice, or
- (8) Treacherously or shamefully causes the capture or destruction by the enemy of any of His Majesty's aircraft, or
- (9) Treacherously gives any false air signal or alters or interferes with any air signal, or
- (10) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air treacherously or shamefully fails to use his utmost exertions to carry such orders into effect,

shall, on conviction by court-martial, be liable to suffer death, or such less punishment as is in this Act mentioned

5. Every person subject to this Act who on active service commits any of the following offences, that is to say,

- (1) Without orders from his superior officer leaves the ranks in order to secure prisoners or horses, or on pretence of taking wounded men to the rear, or
- (2) Without orders from his superior officer wilfully destroys or damages any property, or
- (3) Is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner fails to rejoin His Majesty's service when able to rejoin the same, or
- (4) Without due authority either holds correspondence with, or gives intelligence to, or sends a flag of truce to the enemy;

or

- (5) By word of mouth, or in writing or by signals or otherwise spreads reports calculated to create unnecessary alarm or despondency, or
- (6) In action or previously to going into action, uses words calculated to create alarm or despondency, or
- (7) Negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft or
- (8) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air negligently or through other default fails to use his utmost exertions to carry the order into effect

shall on conviction by court martial be liable to suffer penal servitude, or such less punishment as is in this Act mentioned

Offences  
punishable  
more severely  
on active ser-  
vice than at  
other times.

**8** (1) Every person subject to this Act who commits any of the following offences that is to say

- (b) Without orders from his superior officer leaves his guard, picket patrol or post or
- (c) Forces a safeguard or
- (d) Forces or strikes a sentinel or
- [(e) and (f) Omitted by 15 Geo 5 c 25 ]
- (g) Breaks into any house or other place in search of plunder or
- (h) By discharging firearms making signals, using words or by any means whatever intentionally occasions false alarms or
- (i) Treacherously makes known the parole watchword or countersign to any person not entitled to receive it or treacherously gives a parole watchword or countersign different from what he received or
- [(j) Omitted by 15 Geo 5 c 25 ]
- (k) Being an airman acting as sentinel commits any of the following offences that is to say

- (i) sleeps or is drunk on his post or
- (ii) leaves his post before he is regularly relieved or

(l) Without due authority alters or interferes with any air signal  
shall on conviction by court martial

if he commits any such offence on active service be liable to suffer death or such less punishment as is in this Act mentioned and

if he commits any such offence not on active service be liable if an officer to be cashiered or to suffer such less punishment as is in this Act mentioned and if an airman to suffer

Misbehaviour  
of sentinel

imprisonment, or such less punishment as is in this Act mentioned

(2) Every person subject to this Act who commits any of the following offences, that is to say,

5. c

- (a) By discharging firearms, making signals, using words, or by any means whatever, negligently occasions false alarms; or
- (b) Makes known the parole, watchword, or countersign to any person not entitled to receive it, or, without good and sufficient cause, gives a parole, watchword, or countersign different from what he received, or
- (c) Impedes the provost marshal or any assistant provost marshal or any officer or non-commissioned officer or other person legally exercising authority under or ~~on~~ behalf of the provost marshal, or, when called on, refuses to assist in the execution of his duty the provost marshal, assistant provost marshal, or any such officer, non-commissioned officer, or other person, or
- (d) Does violence to any person bringing provisions or supplies to the forces, or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving; or
- (e) Irregularly detains or appropriates to his own corps, battalion, or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned

#### *Mutiny and Insubordination*

7. Every person subject to this Act who commits any of the following offences, that is to say,

- (1) Causes or conspires with any other persons to cause any mutiny or sedition in any of His Majesty's naval, military, or air forces, or
- (2) Endeavours to seduce any person in any of His Majesty's naval, military, or air forces, from allegiance to His Majesty, or to persuade any person in any of His Majesty's naval, military, or air forces, to join in any mutiny or sedition; or
- (3) Joins in, or being present does not use his utmost endeavours to suppress, any mutiny or sedition in any of His Majesty's naval, military, or air forces, or

shall on conviction by court-martial—

if he committed such offence when on active service or under orders for active service, be liable to suffer death, or such less punishment as is in this Act mentioned, and

if he committed such offence under any other circumstances, be liable for the first offence to suffer imprisonment or such less punishment as is in this Act mentioned and for the second or any subsequent offence to suffer penal servitude or such less punishment as is in this Act mentioned

(2) Where an offender has fraudulently enlisted once or oftener, he may for the purposes of trial for the offence of deserting or attempting to desert His Majesty's service be deemed to belong to any one or more of the corps or units to which he has been appointed or transferred as well as to the corps or unit to which he properly belongs, and it shall be lawful to charge an offender with any number of offences against this section at the same time and to give evidence of such offences against him and if he be convicted thereof to punish him accordingly and further it shall be lawful on conviction of a person for two or more such offences to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court martial of one of such offences

(3) For the purposes of the liability under this section to the higher punishment for a second offence a previous offence of fraudulent enlistment may be reckoned as a previous offence under this section

**13 (1)** Every person subject to this Act who commits any of the following offences, that is to say

(a) When belonging to the regular air force or to the auxiliary air force when embodied without having obtained a regular discharge therefrom or otherwise fulfilled the conditions enabling him to enlist or enrol enlists or enrols himself in the regular air force or in any air force raised in India or a colony or

(b) When belonging to the regular air force without having fulfilled the conditions enabling him to enlist enrol or enter enrolls himself or enlists in the air force reserve or the auxiliary air force or any of the military forces or enters the Royal Navy

shall be deemed to have been guilty of fraudulent enlistment and shall on conviction by court martial be liable—

(i) for the first offence to suffer imprisonment or such less punishment as is in this Act mentioned and

(ii) for the second or any subsequent offence to suffer penal servitude or such less punishment as is in this Act mentioned

(2) Where an offender has fraudulently enlisted on several occasions he may, for the purposes of this section, be deemed to belong to any one or more of the corps or units to which he has been appointed or transferred, as well as to the corps or unit to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and if he be convicted thereof to punish him accordingly; and further it shall be lawful on conviction of a person for two or more such offences to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court-martial of one of such offences.

(3) Where an offender is convicted of the offence of fraudulent enlistment, then for the purposes of his liability under this section to the higher punishment for a second offence, the offence of deserting or attempting to desert His Majesty's service may be reckoned as a previous offence of fraudulent enlistment under this section, with this exception, that the absence of the offender next before any fraudulent enlistment shall not upon his conviction for that fraudulent enlistment be reckoned as a previous offence of deserting or attempting to desert.

**14.** Every person subject to this Act who commits any of the following offences, that is to say,

(1) Assists any person subject to this Act to desert His Majesty's service; or  
(2) Being cognizant of any desertion or intended desertion of a person subject to this Act, does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned

**15.** Every person subject to this Act who commits any of the following offences, that is to say,

(1) Absents himself without leave, or  
(2) Fails to appear at the place of parade or rendezvous appointed by his commanding officer, or goes from thence without leave before he is relieved, or without urgent necessity quits his duty or duties, or  
(3) Being an airman, when in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general, local, or other order, without a pass or written leave from his commanding officer, or

shall on conviction by court-martial—

if he committed such offence when on active service or under orders for active service be liable to suffer death or such less punishment as is in this Act mentioned and

if he committed such offence under any other circumstances, be liable for the first offence to suffer imprisonment or such less punishment as is in this Act mentioned and for the second or any subsequent offence to suffer penal servitude or such less punishment as is in this Act mentioned

(2) Where an offender has fraudulently enlisted once or oftener, he may for the purposes of trial for the offence of deserting or attempting to desert His Majesty's service be deemed to belong to any one or more of the corps or units to which he has been appointed or transferred as well as to the corps or unit to which he properly belongs and it shall be lawful to charge an offender with any number of offences against this section at the same time and to give evidence of such offences against him and if he be convicted thereof to punish him accordingly and further it shall be lawful on conviction of a person for two or more such offences to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court martial of one of such offences

(3) For the purposes of the liability under this section to the higher punishment for a second offence a previous offence of fraudulent enlistment may be reckoned as a previous offence under this section

~~Fraudulent  
enlistment.~~ 18 (1) Every person subject to this Act who commits any of the following offences, that is to say

(a) When belonging to the regular air force or to the auxiliary air force when embodied without having obtained a regular discharge therefrom or otherwise fulfilled the conditions enabling him to enlist or enrol enlists or enrols himself in the regular air force or in any air force raised in India or a colony or

(b) When belonging to the regular air force without having fulfilled the conditions enabling him to enlist enrol or enter, enrols himself or enlists in the air force reserve or the auxiliary air force or any of the military forces or enters the Royal Navy

shall be deemed to have been guilty of fraudulent enlistment and shall on conviction by court martial be liable—

(i) for the first offence to suffer imprisonment or such less punishment as is in this Act mentioned and

(ii) for the second or any subsequent offence to suffer penal servitude or such less punishment as is in this Act mentioned

(2) Where an offender has fraudulently enlisted on several occasions he may, for the purposes of this section be deemed to belong to any one or more of the corps or units to which he has been appointed or transferred, as well as to the corps or unit to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and if he be convicted thereof to punish him accordingly; and further it shall be lawful on conviction of a person for two or more such offences to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court-martial of one of such offences.

(3) Where an offender is convicted of the offence of fraudulent enlistment then for the purposes of his liability under this section to the higher punishment for a second offence the offence of deserting or attempting to desert His Majesty's service may be reckoned as a previous offence of fraudulent enlistment under this section, with this exception, that the absence of the offender next before any fraudulent enlistment shall not upon his conviction for that fraudulent enlistment be reckoned as a previous offence of deserting or attempting to desert.

**14.** Every person subject to this Act who commits any of the following offences, that is to say,

- (1) Assists any person subject to this Act to desert His Majesty's service, or
- (2) Being cognizant of any desertion or intended desertion of a person subject to this Act, does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned

**15.** Every person subject to this Act who commits any of the following offences, that is to say,

- (1) Absents himself without leave, or
- (2) Fails to appear at the place of parade or rendezvous appointed by his commanding officer, or goes from thence without leave before he is relieved, or without urgent necessity quits his duty or duties, or
- (3) Being an airman, when in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general, local, or other order, without a pass or written leave from his commanding officer, or

(4) Being an airman without leave from his commanding officer, or without due cause absents himself from any school when duly ordered to attend there

shall on conviction by court martial be liable, if an officer to be cashiered or to suffer such less punishment as is in this Act mentioned, and if an airman to suffer imprisonment or such less punishment as is in this Act mentioned

#### *Dishonorable Conduct*

Scandalous conduct of officer

16 Every officer who being subject to this Act commits the following offence that is to say,

behaves in a scandalous manner unbecoming the character of an officer and a gentleman

shall on conviction by court martial be cashiered

17 Every person subject to this Act who commits any of the following offences that is to say

Being charged with or concerned in the care or distribution of any public or service money or goods steals fraudulently misappropriates or embezzles the same or is concerned in or connives at the stealing fraudulent misappropriation or embezzlement thereof or wilfully damages any such goods

shall on conviction by court martial be liable to suffer penal servitude, or such less punishment as is in this Act mentioned

18 Every person subject to military law who commits any of the following offences that is to say

- (1) Malingers or feigns or produces disease or infirmity, or
- (2) Wilfully maims or injures himself or any other person subject to military law whether at the instance of that person or not with intent thereby to render himself or that person unfit for service or causes himself to be maimed or injured by any person with intent thereby to render himself unfit for service or
- (3) Is wilfully guilty of any misconduct or wilfully disobeys, whether in hospital or otherwise any orders by means of which misconduct or disobedience he produces or aggravates disease or infirmity or delays its cure or
- (4) Steals or embezzles or receives knowing them to be stolen or embezzled any money or goods the property of a person subject to military law or any money or goods belonging to any service mess or band or to any service institution, or to the Navy Army and Air Force Institutes or any public money or goods, or

Dishonorable conduct of airman.

(5) Is guilty of any other offence of a fraudulent nature not before in this Act particularly specified, or of any other disgraceful conduct of a cruel, indecent or unnatural kind,  
shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Drunkenness*

**19.** Every person subject to this Act who commits the following Drunkenness offence, that is to say,

The offence of drunkenness, whether on duty or not on duty, shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned, and, either in addition to or in substitution for any other punishment, to pay a fine not exceeding five pounds

Provided that, where the offence of drunkenness is committed by an airman not on active service or on duty, the sentence imposed shall not exceed detention for a period of six months, with or without the addition of the aforesaid fine

*Offences in relation to Prisoners*

**20.** Every person subject to this Act who commits any of the following offences, that is to say,

Permitting  
escape of pri-  
soner

- (1) When in command of a guard, piquet, patrol, or post, releases without proper authority, whether wilfully or otherwise, any person committed to his charge, or
- (2) Wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer penal servitude, or such less punishment as is in this Act mentioned, and in any case to suffer imprisonment or such less punishment as is in this Act mentioned

**21.** Every person subject to this Act who commits any of the following offences, that is to say,

Irregular im-  
prisonment

- (1) Unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation, or
- (2) Having committed a person to the custody of any officer, non-commissioned officer, provost marshal, or assistant provost marshal, fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within twenty-four hours thereafter to the officer,

nan-commissioned officer provost marshal, or assistant provost marshal into whose custody the person is committed an account in writing signed by himself of the offence with which the person so committed is charged;

(3) Being in command of a guard does not as soon as he is relieved from his guard or duty, or if he is not sooner relieved within twenty four hours after a person is committed to his charge give in writing to the officer to whom he may be ordered to report that person's name and offence so far as known to him and the name and rank of the officer or other person by whom he was charged accompanied if he has received the account above in this section mentioned by that account

shall an conviction by court martial be liable if an officer to be cashiered or to suffer such less punishment as is in this Act mentioned, and if an airman to suffer imprisonment or such less punishment as is in this Act mentioned

*Escape from confinement.*

22 Every person subject to this Act who commits the following offence that is to say

Being in arrest or confinement or in prison or otherwise in lawful custody escapes or attempts to escape

shall an conviction by court martial be liable if an officer to be cashiered or to suffer such less punishment as is in this Act mentioned and if an airman to suffer imprisonment, or such less punishment as is in this Act mentioned

#### *Offences in relation to Property*

*Corrupt dealing in respect of supplies to forces.*

23 Every person subject to this Act who commits any of the following offences, that is to say

- (1) Connives at the exaction of any exorbitant price for a house or stall let to a soldier or
- (2) Lays any duty upon or takes any fee or advantage in respect of or is in any way interested in the sale of provisions or merchandise brought into any garrison camp station barrack or place in which he has any command or authority or the sale or purchase of any provisions or stores for the use of any of His Majesty's forces

shall on conviction by court martial be liable to suffer imprisonment or such less punishment as is in this Act mentioned

*Dishonesty in and injury to equipment.*

24 Every airman who commits any of the following offences that is to say

- (1) Makes away with or is concerned in making away with & (whether by pawning selling destruction or otherwise)

howsoever), his arms, ammunition, equipments, instruments, clothing, service necessaries, or any horse of which he has charge, or

- (2) Loses by neglect anything before in this section mentioned, or
- (3) Makes away with (whether by pawning, selling, destruction, or otherwise howsoever) any air-force, naval or military decoration granted to him, or
- (4) Wilfully injures anything before in this section mentioned, or any property belonging to a comrade, or to an officer, or to any service mess or band, or to any service institution, or any public property, or

o 5, c. 6 (5) Ill-treats any horse or other animal used in the public service,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned

For the purposes of this section, the expression "equipments" includes any article issued to an airman for his use, or entrusted to his care for air-force purposes.

#### *Offences in relation to False Documents and Statements*

25. Every person subject to this Act who commits any of the following offences, that is to say,  
Falseifying official documents and false declarations.

- (1) In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy—
  - (a) Knowingly makes or is privy to the making of any false or fraudulent statement, or
  - (b) Knowingly makes or is privy to the making of any omission with intent to defraud; or
- (2) Knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce, or
- (3) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration,

shall, on conviction by court-martial, be liable to suffer imprisonment or such less punishment as is in this Act mentioned.

26. Every person subject to this Act who commits any of the following offences; that is to say,  
Neglect to report, and signing in blank.

- (1) When signing any document relating to pay, arms, ammunition, equipments, clothing, service necessaries, provisions, furniture, bedding, blankets, sheets, utensils, forage, or

non-commissioned officer provost marshal, or assistant provost marshal into whose custody the person is committed an account in writing signed by himself of the offence with which the person so committed is charged;

(3) Being in command of a guard does not as soon as he is relieved from his guard or duty, or if he is not sooner relieved within twenty four hours after a person is committed to his charge give in writing to the officer to whom he may be ordered to report that person's name and offence so far as known to him and the name and rank of the officer or other person by whom he was charged accompanied if he has received the account above in this section mentioned by that account

shall on conviction by court martial be liable if an officer to be cashiered or to suffer such less punishment as is in this Act mentioned, and if an airman to suffer imprisonment or such less punishment as is in this Act mentioned

*Escape from confinement*

22 Every person subject to this Act who commits the following offence that is to say

Being in arrest or confinement or in prison or otherwise in lawful custody escapes or attempts to escape

shall on conviction by court martial be liable if an officer to be cashiered or to suffer such less punishment as is in this Act mentioned and if an airman to suffer imprisonment or such less punishment as is in this Act mentioned

#### *Offences in relation to Property*

*Corrupt dealing in respect of supplies to forces.*

23 Every person subject to this Act who commits any of the following offences that is to say

- (1) Coherits at the exaction of any exorbitant price for a house or stall let to a soldier or
- (2) Lays any duty upon or takes any fee or advantage in respect of or is in any way interested in the sale of provisions or merchandise brought into any garrison camp station barrack or place in which he has any command or authority or the sale or purchase of any provisions or stores for the use of any of His Majesty's forces

shall on conviction by court martial be liable to suffer imprisonment or such less punishment as is in this Act mentioned

*Deficiency in and injury to equipment*

24 Every airman who commits any of the following offences that is to say

- (1) Makes away with or is concerned in making away with & (whether by pawning selling destruction or otherwise

howsoever), his aims, ammunition, equipments, instruments, clothing, service necessaries, or any horse of which he has charge, or

- (2) Loses by neglect anything before in this section mentioned: or
- (3) Makes away with (whether by pawning, selling, destruction, or otherwise howsoever) any air-force, naval or military decoration granted to him, or
- (4) Wilfully injures anything before in this section mentioned, or any property belonging to a comrade, or to an officer, or to any service mess or band, or to any service institution, or any public property, or

5, o. 6 (5) Ill-treats any horse or other animal used in the public service,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned

For the purposes of this section, the expression "equipments" includes any article issued to an airman for his use, or entrusted to his care for air-force purposes

#### *Offences in relation to False Documents and Statements*

25. Every person subject to this Act who commits any of the following offences, that is to say,

- (1) In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy—
  - (a) Knowingly makes or is privy to the making of any false or fraudulent statement, or
  - (b) Knowingly makes or is privy to the making of any omission with intent to defraud, or
- (2) Knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce, or
- (3) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration,

shall, on conviction by court-martial, be liable to suffer imprisonment or such less punishment as is in this Act mentioned

26. Every person subject to this Act who commits any of the following offences, that is to say,

- (1) When signing any document relating to pay, arms, ammunition, equipments, clothing, service necessaries, provisions, furniture, bedding, blankets, sheets, utensils, forage, or

Neglect to report, and signing in blank.

stores, leaves in blank any material part for which his signature is a voucher or

- (2) Refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send

shall on conviction by court martial be liable if an officer, to be cashiered or to suffer such less punishment as is in this Act mentioned, and if an airman to suffer imprisonment or such less punishment as is in this Act mentioned

*False accusation, or false statement by airman.*

27 Every person subject to this Act who commits any of the following offences that is to say

- (1) Being an officer or airman makes a false accusation against any other officer or airman knowing such accusation to be false or
- (2) Being an officer or airman in making a complaint where he thinks himself wronged knowingly makes any false statement affecting the character of an officer or airman, or knowingly and wilfully suppresses any material facts or
- (3) Being an airman falsely states to his commanding officer that he has been guilty of desertion or of fraudulent enlistment or of desertion from the Army or Navy or has served in and been discharged from any portion of the regular reserve or auxiliary Air Force or the Army or Navy or
- (4) Being an airman makes a wilfully false statement to any air force officer or justice in respect of the prolongation of furlough

- shall on conviction by court martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned -

#### *Offences in relation to Courts martial*

*Offences in relation to courts-martial.*

28 Every person subject to this Act who commits any of the following offences that is to say

- (1) Being duly summoned or ordered to attend as a witness before a court martial makes default in attending or
- (2) Refuses to take an oath or make a solemn declaration legally required by a court martial to be taken or made or
- (3) Refuses to produce any document in his power or control legally required by a court martial to be produced by him or
- (4) Refuses when a witness to answer any question to which a court martial may legally require an answer or
- (5) Is guilty of contempt of a court martial by using insulting or threatening language or by causing any interruption or disturbance in the proceedings of such court

shall, on conviction by a court-martial, other than the court in relation to or before whom the offence was committed, be liable if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned

Provided that where a person subject to this Act is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court, that court if they think it expedient, instead of the offender being tried by another court-martial, may by order under the hand of the president, order the offender to be imprisoned, with or without hard labour, or, in the case of an airman, to undergo detention, for a period not exceeding twenty-one days

29. Every person subject to this Act who commits the following offence, that is to say,

When examined on oath or solemn declaration before a court-martial or any court or officer authorised by this Act to administer an oath, wilfully gives false evidence,

shall be liable, on conviction by court-martial, to suffer imprisonment, or such less punishment as is in this Act mentioned

#### *Offences in relation to Billeting*

30. Every person subject to this Act who commits any of the following offences (in this Act referred to as offences in relation to billeting), that is to say,

- (1) Is guilty of any ill-treatment, by violence, extortion, or making disturbances in billets, of the occupier of a house in which any person or horse is billeted, or
- (2) Being an officer, refuses or neglects, on complaint and proof of such ill-treatment by any officer or airman under his command, to cause compensation to be made for the same, or
- (3) Fails to comply with the provisions of this Act with respect to the payment of the just demands of the person on whom he or any officer or airman under his command or his or their horses have been billeted, or to the making up and transmitting of an account of the money due to such person, or
- (4) Wilfully demands billets which are not actually required for some person or horse entitled to be billeted, or
- (5) Takes or knowingly suffers to be taken from any person any money or reward for excusing or relieving any person from his liability in respect of the billeting or quartering of officers, airmen or horses, or any part of such liability, or

- (6) Uses or offers any menace to or compulsion on a constable or other civil officer to make him give billets contrary to this Act or tending to deter or discourage him from performing any part of his duty under the provisions of this Act relating to billeting or tending to induce him to do anything contrary to his said duty or
- (7) Uses or offers any menace to or compulsion on any person tending to oblige him to receive without his consent, any person or horse not duly billeted upon him in pursuance of the provisions of this Act relating to billeting or to furnish any accommodation which he is not thereby required to furnish

shall on conviction by court martial be liable if an officer, to be cashiered or to suffer such less punishment as is in this Act mentioned, and if an airman to suffer imprisonment or such less punishment as is in this Act mentioned

#### *Offences in relation to Impression of Carriages etc*

31. Every person subject to this Act who commits any of the following offences (in this Act referred to as offences in relation to the impressionment of carriages) that is to say

- (1) Wilfully demands any carriage animal vessel aircraft food forage or stores which are not actually required for the purposes authorised by this Act or
- (2) Fails to comply with the provisions of this Act relating to the impressionment of carriages as regards the payment of sums due for carriages or as regards the weighing of the load, or
- (3) Constrains any carriage animal or vessel furnished in pursuance of the provisions of this Act relating to the impressionment of carriages to travel against the will of the person in charge thereof beyond the proper distance or to carry against the will of such person any greater weight than he is required by the said provisions to carry; or
- (4) Does not discharge as speedily as practicable any carriage animal vessel or aircraft furnished in pursuance of the provisions of this Act relating to the impressionment of carriages or
- (5) Compels the person in charge of any such carriage animal vessel or aircraft or permits him to be compelled to take thereon any baggage or stores not entitled to be carried or, except where the carriage or animal is furnished upon a requisition of emergency to take thereon any airman or servant (except such as are sick) or any woman or person or

- (6) Ill-treats or permits such person in charge to be ill-treated; or
- (7) Uses or offers any menace to or compulsion on a constable to make him provide any carriage, animal, vessel, aircraft, food, forage, or stores which he is not bound in pursuance of the provisions of this Act relating to the impressment of carriages to provide, or tending to deter or discourage him from performing any part of his duty in relation to the providing of carriages, animals, vessels, aircraft, food, forage, or stores, or tending to induce him to do anything contrary to his said duty, or
- (8) Forces any carriage, animal, vessel, aircraft, food, forage, or stores from the owner thereof,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned

#### *Offences in relation to Enlistment*

**32.** (1) Every person having become subject to this Act, who is discovered to have committed the following offence; that is to say,

Having been discharged with disgrace from any part of His Majesty's air or military forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the regular air force without declaring the circumstances of his discharge, or dismissal,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned

(2) For the purpose of this section, the expression "discharged with disgrace from any part of His Majesty's air or military forces" means discharged with ignominy, discharged as incorrigible and worthless, discharged for misconduct, or discharged on account of conviction for felony or of a sentence of penal servitude

**33.** Every person having become subject to this Act who is discovered to have committed the following offences, that is to say,

To have made a wilfully false answer to any question set forth in the attestation paper which has been put to him by or by direction of the justice before whom he appears for the purpose of being attested,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned

General  
offences in  
relation to  
enlistment.

**34.** Every person subject to this Act who commits any of the following offences, that is to say

- (1) Is concerned in the enlistment for service in the regular air force of any man when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against this Act, or
- (2) Wilfully contravenes any enactments or the regulations of the service in any matter relating to the enlistment or attestation of airmen of the regular air force,

shall on conviction by court martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned

#### *Miscellaneous Offences*

**35** Every person subject to this Act who commits the following offences that is to say

Uses traitorous or disloyal words regarding the Sovereign shall, on conviction by court martial be liable if an officer to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman to suffer imprisonment or such less punishment as is in this Act mentioned

**36** Every person subject to this Act who commits the following offence that is to say

Whether serving with any of His Majesty's forces or not without due authority either verbally or in writing or by signal or otherwise discloses the numbers or position of any forces, or any magazines or stores thereof or any preparations for, or orders relating to operations or movements of any forces, at such time and in such manner as in the opinion of the court to have produced effects injurious to His Majesty's service

shall on conviction by court martial be liable if an officer to be cashiered or to suffer such less punishment as is in this Act mentioned and if an airman to suffer imprisonment or such less punishment as is in this Act mentioned

**37** Every officer or non-commissioned officer who commits any of the following offences that is to say

- (1) Strikes or otherwise ill treats any airman or
- (2) Having received the pay of any officer or airman unlawfully detains or unlawfully refuses to pay the same when due

shall on conviction by court martial be liable if an officer to be cashiered or to suffer such less punishment as is in this Act mentioned and if a non-commissioned officer to suffer imprisonment or such less punishment as is in this Act mentioned

Traitorous  
words.

Injurious  
disclosures.

Ill treat  
airmen.

**38.** Every person subject to this Act who commits any of the following offences, that is to say—

Duelling and  
attempting to  
commit  
suicide

- (1) Fights, or promotes, or is concerned in or connives at fighting a duel; or
- (2) Attempts to commit suicide,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned

**39.** Every person subject to this Act who commits any of the following offences, that is to say—

Refusal to  
deliver to civil  
power officers  
and airmen  
accused of  
civil offences

On application being made to him neglects or refuses to deliver over to the civil magistrate, or to assist in the lawful apprehension of, any officer or airman accused of an offence punishable by a civil court,

shall on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned

#### *Special offences in relation to Aircraft, &c*

**39A.** Every person subject to this Act who commits any of the following offences, that is to say—

Damage to  
aircraft, etc

- (a) Wilfully or by wilful neglect or negligently damages, destroys or loses any of His Majesty's aircraft or aircraft material, or
- (b) Is guilty of any neglect likely to cause such damage, destruction, or loss, or
- (c) By neglect (whether wilful or otherwise) causes damage to or destruction of any public property by fire, or
- (d) Without lawful authority disposes of any of His Majesty's aircraft or aircraft material, or
- (e) Wilfully or by wilful neglect or negligently causes any danger in flying to the life of any officer or airman of the air force, or
- (f) During a state of war wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of His Majesty's aircraft,

shall, on conviction by court-martial, be liable, if he has acted wilfully or with wilful neglect, to suffer penal servitude, or such less punish-

ment as is in this Act mentioned, and in any case to suffer imprisonment, or such less punishment as is in this Act mentioned

*Conduct to prejudice of Discipline*

*Conduct to prejudice of air force discipline.*  
40 Every person subject to this Act who commits any of the following offences that is to say

Is guilty of any act conduct, disorder, or neglect to the prejudice of good order and air force discipline,

shall on conviction by court-martial be liable if an officer, to be cashiered or to suffer such less punishment as is in this Act mentioned, and if an airmen to suffer imprisonment or such less punishment as is in this Act mentioned. Provided that no person shall be charged under this section in respect of any offence for which special provision is made in any other part of this Act and which is not a civil offence, nevertheless the conviction of a person so charged shall not be invalid by reason only of the charge being in contravention of this provision unless it appears that injustice has been done to the person charged by reason of such contravention but the responsibility of any officer for that contravention shall not be removed by the validity of the conviction

*Offences punishable by ordinary Law*

*Offences punishable by ordinary law of England*  
41 Subject to such regulations for the purpose of preventing interference with the jurisdiction of the civil courts as are in this Act after mentioned every person who whilst he is subject to this Act shall commit any of the offences in this section mentioned shall be deemed to be guilty of an offence against this Act and if charged under this section with any such offence (in this Act referred to as a civil offence) shall be liable to be tried by court martial and on conviction to be punished as follows that is to say

- (1) If he is convicted of treason be liable to suffer death or such less punishment as is in this Act mentioned and
- (2) If he is convicted of murder be liable to suffer death and
- (3) If he is convicted of manslaughter or treason felony be liable to suffer penal servitude or such less punishment as is in this Act mentioned and
- (4) If he is convicted of rape be liable to suffer penal servitude or such less punishment as is in this Act mentioned and
- (5) If he is convicted of any offence not before in this section particularly specified with which committed in England is punishable by the law of England be liable whether the offence is committed in England or elsewhere either

to suffer such punishment as might be awarded to him in pursuance of this Act in respect of an act to the prejudice of good order and air-force discipline, or to suffer any punishment assigned for such offence by the law of England.

Provided as follows —

- (a) A person subject to this Act shall not be tried by court-martial for treason, murder, manslaughter, treason-felony, or rape committed in the United Kingdom, and shall not be tried by court-martial for treason, murder, manslaughter, treason-felony, or rape committed in any place within His Majesty's dominions, other than the United Kingdom and Gibraltar, unless such person at the time he committed the offence was on active service, or such place is more than one hundred miles as measured in a straight line from any city or town in which the offender can be tried for such offence by a competent civil court;
- (b) A person subject to this Act when in His Majesty's dominions may be tried by any competent civil court for any offence for which he would be triable if he were not subject to this Act

#### *Redress of Wrongs*

**42.** If an officer thinks himself wronged by his commanding officer, Mode of complaint by officer and on due application made to him does not receive the redress to which he may consider himself entitled, he may complain to the Air Council in order to obtain justice, who are hereby required to examine into such complaint, and (if so required by the officer) through a Secretary of State make their report to His Majesty in order to receive the directions of His Majesty thereon

**43.** If any airman thinks himself wronged in any matter by any officer other than his flight lieutenant, or by any airman, he may complain thereof to his flight lieutenant, and if he thinks himself wronged by his flight lieutenant, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer, and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the prescribed officer, and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of

*Punishments*

*Scales of  
punishments  
by courts-  
martial.*

**44.** Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by courts-martial,—

In the case of officers according to the scale following

- (a) Death
- (b) Penal servitude for a term not less than three years
- (c) Imprisonment with or without hard labour, for a term not exceeding two years
- (d) Cashiering
- (e) Dismissal from His Majesty's service
- (f) Forfeiture in the prescribed manner of seniority of rank either in the air force or in the corps or unit to which the offender belongs or in both
- (g) Reprimand or severe reprimand

In the case of airmen, according to the scale following

- (h) Death
- (i) Penal servitude for a term not less than three years,
- (l) Imprisonment with or without hard labour for a term not exceeding two years
- (kk) Detention for a term not exceeding two years
- (l) Discharge with ignominy from His Majesty's service
- (m) In the case of a non-commissioned officer, forfeiture in the prescribed manner of seniority of rank or reduction to a lower grade or to the ranks
- (mm) In the case of a non-commissioned officer reprimand or <sup>to Geo. 5</sup> severe reprimand
- (n) Forfeitures, fines and stoppages

Provided that—

- (1) When in respect of any offence under this Act there is specified a particular punishment or such less punishment as is in this Act mentioned there may be awarded in respect of that offence instead of such particular punishment (but subject to the other regulations of the Act as to punishments and regard being had to the nature and degree of the offence) any one punishment lower in the above scales than the particular punishment
- (2) For the purpose of infliction and revision of punishment detention shall not be deemed to be a less punishment than

imprisonment if the term of detention is longer than the term of imprisonment

(2) An officer shall be sentenced to be cashiered before he is sentenced to penal servitude or imprisonment

(3) An officer or a non-commissioned officer when sentenced to forfeiture of seniority of rank may also be sentenced to reprimand or severe reprimand

(4) An airman when sentenced to penal servitude or imprisonment may, in addition thereto, be sentenced to be discharged with ignominy from His Majesty's service

(5) Where an airman on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence such field punishment, other than flogging, or attachment to a fixed object as may be directed by rules to be made from time to time by a Secretary of State, and such field punishment shall be of the character of personal restraint or of hard labour, but shall not be of a nature to cause injury to life or limb

(6) In addition to or without any other punishment, it shall be lawful for a court-martial to order, in respect of an offence committed by an airman on active service, that the offender forfeit all ordinary pay for a period commencing on the day of sentence and not exceeding three months, and in respect of an offence committed by an airman (other than a non-commissioned officer) when not on active service, that the offender forfeit all such pay for a period commencing as aforesaid and not exceeding twenty-eight days

(9) All rules with respect to field punishment made in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if Parliament be not then sitting, as soon as practicable after the beginning of the then next session of Parliament.

(10) For the purpose of commutation of punishment the field punishment above mentioned shall be deemed to stand in the scale of punishments next below detention

(11) In addition to or without any other punishment in respect of any offence, an offender convicted by court-martial may be subject to forfeiture of any deferred pay, service towards pension, naval, military or air-force decoration or naval, military or air-force reward, in such manner as may for the time being be provided by Royal Warrant, but shall

not, save as may be provided by Royal Warrant, be liable to any forfeiture under the Regimental Debts Act 1893 ~~as applied to the air force or under any Act relating to the military savings banks as so applied or any regulations made in pursuance of either of the above-mentioned Acts as so applied~~<sup>c. 5.</sup>

- (12) In addition to or without any other punishment in respect of any offence an offender may be sentenced by court-martial to any deduction authorised by this Act to be made from his ordinary pay
- (13) No officer or non-commissioned officer shall under or by virtue of any power or authority derived from any foreign potentate or ruler inflict or cause to be inflicted on any person subject to this Act for or in respect of any offence against this Act any punishment not authorised by this Act

#### **ARREST AND TRIAL**

##### *Arrest*

~~any of persons charged with offences.~~ 45 The following regulations shall be enacted with respect to persons subject to this Act when charged with offences punishable under this Act —

- (1) Every person subject to this Act when so charged may be taken into air force custody. Provided that in every case where any officer or airman not on active service remains in such air force custody for a longer period than eight days without a court martial for his trial being ordered to assemble a special report of the necessity for further delay shall be made by his commanding officer in manner prescribed and a similar report shall be forwarded every eight days until a court martial is assembled or the officer or airman is released from custody.
- (2) Air force custody means the putting the offender under arrest or the putting him in confinement and includes naval and military custody.
- (3) An officer may order into air force custody an officer of inferior rank or any airman and any non-commissioned officer may order into air force custody any airman and an officer may order into air force custody any officer (though he be of higher rank) engaged in a quarrel, brawl or disorder and any such order shall be obeyed notwithstanding the

person giving the order and the person in respect of whom the order is given do not belong to the same corps or unit, arm, or branch of the service.

- (4) An officer or non-commissioned officer commanding a guard or a provost marshal or assistant provost marshal, shall not refuse to receive or keep any person who is committed to his custody by any officer or non-commissioned officer, but it shall be the duty of the officer or non-commissioned officer who commits any person into custody to deliver at the time of such committal, or as soon as practicable, and in every case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost marshal, or assistant provost marshal into whose custody the person is committed, an account in writing, signed by himself, of the offence with which the person so committed is charged
- (5) The charge made against every person taken into air-force custody shall without unnecessary delay be investigated by the proper air-force authority, and, as soon as may be, either proceedings shall be taken for punishing the offence, or such persons shall be discharged from custody

#### *Power of Commanding Officer*

46. (1) The commanding officer shall, upon an investigation being had of a charge made against a person subject to this Act under his command of having committed an offence under this Act, dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with, but where he thinks the charge ought to be proceeded with, he may take steps for bringing the offender to court-martial, or, in the case of an officer below the rank of squadron-leader or of a warrant officer may refer the case to be dealt with summarily by an air or general officer under the provisions of this Act, or in the case of an airman may deal with the case summarily

- (2) Where he deals with a case summarily, he may—
  - (a) Award to the offender detention for any period not exceeding twenty-eight days, and
  - (b) In the case of the offence of drunkenness, may order the offender to pay a fine not exceeding two pounds, either in addition to or without any other punishment; and
  - (c) In addition to or without any other punishment may order the offender to suffer any deduction from his ordinary pay authorised by this Act to be made by the commanding officer, and

(d) In the case of an offence by an airman (not being a non commissioned officer) on active service may award to the offender field punishment within the meaning of section forty four of this Act for any period not exceeding twenty eight days and may in addition to or without any other punishment order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding twenty-eight days and

(e) In addition to or without any other punishment may award <sup>15 Geo. c. 25.</sup>  
such other minor punishment as he is for the time being authorised to award so however that a minor punishment shall not be awarded for any offence for which detention exceeding seven days is awarded

(f) In the case of an offence by an airman (other than a non commissioned officer) when not on active service may in addition to or without any other punishment order that the offender forfeit all ordinary pay for a period commencing on the day of sentence and not exceeding fourteen days

(3) Where the charge is against an airman for drunkenness the commanding officer shall deal with the case summarily unless the offence was committed on active service or on duty or after the offender was warned for duty or unless by reason of the drunkenness the offender was found unfit for duty or unless the airman has been guilty of drunkenness on not less than four occasions in the preceding twelve months but nothing in this subsection shall affect the jurisdiction of any court martial or the right of the airman to be tried by a district court martial

[Subsection (5) repealed by 11 Geo. 5 c. 9.]

(6) Provided that in every case where the commanding officer has power to deal with the case summarily the accused person may demand that the evidence against him should be taken on oath and the same oath or solemn declaration as that required to be taken by witness before a court martial shall be administered to each witness in such case

(7) An offender shall not be liable to be tried by court martial where <sup>15 Geo. 5 c. 25.</sup> the charge has been dismissed or the offence has been dealt with summarily by his commanding officer and shall not be liable to be punished by his commanding officer for any offence of which he has been acquitted or convicted by a competent civil court or by a court martial

(8) Where a commanding officer has power to deal with a case summarily under this section and after hearing the evidence can decide that he may deal with the case he shall in every case where the award or finding involves a forfeiture of ordinary pay and in every case of a man unless he awards no other punishment than one of the following

punishments referred to in this section, ask the airman charged whether he desires to be dealt with summarily or to be tried by a district court-martial and if the airman elects to be tried by a district court-martial the commanding officer shall take steps for bringing him to trial by a district court-martial, but otherwise shall proceed to deal with the case summarily

(9) The power of dealing summarily with a case may be delegated by a commanding officer to any officer under his command in accordance with and subject to the King's Regulations

Provided that such officer shall not have power to inflict any punishment other than a minor punishment, or such fines for drunkenness as may be provided for by those Regulations

**47.** (1) Any of the following authorities shall have power to deal summarily with a charge against an officer below the rank of squadron leader or against a warrant officer referred for that purpose, or for trial by court-martial, under the foregoing section of this Act, that is to say, any air officer authorised to convene a general court-martial, and any air-force officer of any rank appointed for the purpose by the Air Council, and also in the case of a force on service beyond the seas the general or any officer commanding the force, and any air-force officer of any rank appointed for the purpose by him,

Power to  
deal sum-  
marily with  
charges  
against  
officers and  
warrant  
officers.

provided that, where the Air Council in special circumstances so direct, any powers which under this provision may be exercised by an officer of any rank may be exercised by a group captain

(2) The authority having power to deal summarily with the case may, with or without hearing the evidence, dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with, or, where he thinks the charge ought to be proceeded with, take steps for bringing the offender to a court-martial, or may, after hearing the evidence, or, if the accused consents thereto in writing, after reading a summary or abstract of the evidence, deal with the case summarily by awarding in the case of an officer one or more of the following punishments—

- (a) Forfeiture of seniority of rank either in the air force or in the corps or unit to which the offender belongs, or in both
- (b) Severe reprimand or reprimand,

and in the case of a warrant officer one or more of the following punishments—

- (a) Forfeiture in the prescribed manner of seniority of rank
- (b) Severe reprimand or reprimand
- (c) Any deduction authorised by this Act to be made from his ordinary pay

(3) Where the authority having power to deal summarily with the case considers that he may so deal with the case, he shall unless he awards a severe reprimand or a reprimand in every case ask the accused whether he desires to be dealt with summarily or to be tried by a court martial and if the accused elects to be tried by a court martial take steps for bringing him to trial by a court martial, but otherwise shall proceed to deal with the case summarily

(4) In every case where an authority has power to dispose of a case summarily and decides so to do the accused may demand that the evidence against him should be taken on oath and the same oath or solemn declaration as that required to be taken by witnesses before a court-martial shall be administered to each witness in such case

(5) An offender shall not be liable to be tried by court martial where the charge has been dismissed or the offence has been dealt with summarily under this section and shall not be liable to be punished by an air or general officer under this section for any offence of which he has been acquitted or convicted by a competent civil court or by a court martial

#### *Courts martial*

General and  
district  
courts-  
martial.

48 The following rules are enacted with respect to general courts-martial and district courts martial —

- (1) A general court martial shall be convened by His Majesty or some officer deriving authority to convene a general court martial immediately or meditately from His Majesty
- (2) A district court martial shall be convened by an officer authorised to convene general courts-martial or some officer deriving authority to convene a district court martial from an officer authorised to convene general courts-martial
- (3) A general court martial shall consist of not less than five officers each of whom must have held a commission during not less than three whole years and of whom not less than four must be of a rank not below that of flight lieutenant
- (4) A district court martial shall consist of not less than three officers each of whom must have held a commission during not less than two whole years
- (5) The minimum number mentioned in this section for a general or a district court martial shall be the legal minimum for that court martial
- (6) A district court martial shall not try a person subject to this Act as an officer nor award the punishment of death

penal servitude; but, subject as aforesaid, any offence under this Act committed by a person subject to this Act, and triable by court-martial, may be tried and punished by either a general or district court-martial

- (7) An officer under the rank of flight lieutenant shall not be a member of a court-martial for the trial of an officer of or above the rank of squadron leader
- (8) Sentence of death shall not be passed on any prisoner without the concurrence of two-thirds at the least of the officers serving on the court-martial by which he is tried.
- (9) The president of a court-martial, whether general or district, shall be appointed by order of the authority convening the court, but he shall not be under the rank of squadron leader unless the officer convening the court is under that rank, or unless in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court and to be conclusive, an officer of or above the rank of squadron leader is not, with due regard to the public service, available, in either of which cases an officer not below the rank of flight lieutenant may be the president of such court-martial, and he shall not be under the rank of flight lieutenant except in the case of a district court-martial, where in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court and to be conclusive, a flight lieutenant is not, having due regard to the public service, available
- (10) If it becomes necessary to convene a court-martial under this Act at any place where in the opinion of the convening officer the necessary number of officers of the air-force is not available to form such a court, or where in his opinion such a necessary number could not be made available without serious injury to the interests of the service, such opinion to be expressed in the order convening the court, and to be conclusive, then the said convening officer may, with the consent of the proper naval or military authority, nominate any naval or military officer to preside over the court, or nominate as members of the court any necessary number of naval or military officers in addition to or in lieu of officers of the air force. Provided that no naval or military officer shall be qualified to perform any function in relation to such court-martial unless he is of equal seniority and equivalent rank to that which

would have been required by the provisions of this Act if he had been an officer of the air force

*Field general  
courts-  
martial.*

49 (1) Where a complaint is made to any officer in command of any detachment or portion of the air force in any country beyond the seas or to the commanding officer of any corps or unit or portion of a corps or unit on active service or to any officer in immediate command of a body of the air force on active service that an offence has been committed by any person subject to this Act

then if in the opinion of such officer it is not practicable that such offence should be tried by an ordinary general court martial, it shall be lawful for him although not authorised to convene general courts-martial to convene a court martial in this Act referred to as a field general court martial for the trial of the person charged with such offence provided as follows —

(a) An officer in command of a detachment or portion of the air force not on active service shall not convene a field general court martial for the trial of any person unless that person is under his command nor unless the offence with which the person is charged is an offence against the property or person of an inhabitant of or resident in the country in which the offence is alleged to have been committed

(b) A field general court martial shall consist of not less than three officers unless the officer convening the same is of opinion that three officers are not available having due regard to the public service in which case the court martial may consist of two officers

(c) The convening officer may preside but he shall whenever he deems it practicable appoint another officer as president who may be of any rank but shall if practicable in the opinion of the convening officer be not below the rank of flight lieutenant

(d) Where a field general court martial consists of less than three officers the sentence shall not exceed such field punishment as is allowed by this Act or imprisonment

(2) Section forty-eight of this Act except subsection (10) thereof shall not apply to a field general court martial but sentence of death shall not be passed on any prisoner by a field general court martial without the concurrence of all the members

(3) A field general court martial may notwithstanding the sentence enacted by this Act in respect of the trial by court martial of

would have been required by the provisions of this Act if he had been an officer of the air force

~~Field general  
courts-  
martial.~~

**49 (1)** Where a complaint is made to any officer in command of any detachment or portion of the air force in any country beyond the seas, or to the commanding officer of any corps or unit or portion of a corps or unit on active service or to any officer in immediate command of a body of the air force on active service that an offence has been committed by any person subject to this Act

then if in the opinion of such officer it is not practicable that such offence should be tried by an ordinary general court martial, it shall be lawful for him although not authorised to convene general courts-martial to convene a court martial in this Act referred to as a field general court martial for the trial of the person charged with such offence provided as follows —

- (a) An officer in command of a detachment or portion of the air force not on active service shall not convene a field general court martial for the trial of any person unless that person is under his command nor unless the offence with which the person is charged is an offence against the property or person of an inhabitant of or resident in the country in which the offence is alleged to have been committed
- (b) A field general court martial shall consist of not less than three officers unless the officer convening the same is of opinion that three officers are not available having due regard to the public service in which case the court martial may consist of two officers
- (c) The convening officer may preside but he shall whenever he deems it practicable appoint another officer as president who may be of any rank but shall if practicable in the opinion of the convening officer be not below the rank of <sup>10 Gen.</sup> flight lieutenant
- (d) Where a field general court martial consists of less than three officers the sentence shall not exceed such field punishment as is allowed by this Act or imprisonment
- (2) Section forty-eight of this Act except subsection (10) thereof shall not apply to a field general court martial but sentence of death shall not be passed on any prisoner by a field general court martial without the concurrence of all the members
- (3) A field general court martial may notwithstanding finding the facts mentioned in the Act in respect of the trial by court martial of

*Air Force*

(2) If after the commencement of otherwise unable to attend, and the co minimum, the convening authority in the court, if of sufficient rank, to be proceed accordingly, but if he is not of dissolved

(3) If, on account of the illness or it is impossible to continue the trial,

(4) Where a court-martial is dissolved of this section the accused may be tried

(5) The president of any court-martial amongst the members, cause the court

(6) The court may adjourn from time to time

(7) The court may also, where necessary

(8) In the case of an equality of

court shall be read over in the hearing of the accused on their first assembling and before they are sworn and he shall be asked whether he objects to any of such officers and a like question shall be repeated in respect of any officer appointed to serve in lieu of a retiring officer

Administration of oaths.

52. (1) An oath shall be administered by the prescribed person to every member of every court martial before the commencement of the trial in the following form that is to say

You do swear that  
 you will well and truly try the accused [or accused persons] before the court according to the evidence and that you will duly administer justice according to the Air Force Act now in force without partiality, favour, or affection and you do further swear that except so far as may be permitted by instructions of the Air Council for the purpose of communicating the sentence to the accused you will not divulge the sentence of the court until it is duly confirmed and you do further swear that you will not on <sup>8 Geo. 6.</sup> any account at any time whatsoever disclose or discover the vote or opinion of any particular member of this court martial unless thereunto required in due course of law So help you GOD

(2) An oath in the prescribed form or forms shall be administered by the prescribed person to the judge advocate or person officiating a judge advocate (if any) and also to every officer in attendance on a court martial for the purpose of instruction (if any) and also to every shorthand writer (if any) in attendance on the court martial

(3) Every witness before a court martial shall be examined on oath which the president or other prescribed person shall administer in the prescribed form

(4) If a person by this Act required either as a member of or person in attendance on or witness before a court martial or otherwise in respect of a court martial to take an oath objects to take an oath or is objected to as incompetent to take an oath the court is satisfied of the sincerity of the objection or where the competence of the person to take an oath is objected to of the oath having no binding effect in the conscience of such person shall permit such person instead of being sworn to make a solemn declaration in the prescribed form and for the purposes of this Act such solemn declaration shall be deemed to be an oath

Procedure.

53. (1) If a court martial after the commencement of the trial by death or otherwise reduced below the legal minimum, it shall be dissolved.

(2) If after the commencement of the trial the president dies or is otherwise unable to attend, and the court is not reduced below the legal minimum, the convening authority may appoint the senior member of the court, if of sufficient rank, to be president, and the trial shall proceed accordingly, but if he is not of sufficient rank the court shall be dissolved.

(3) If, on account of the illness of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved

(4) Where a court-martial is dissolved under the foregoing provisions of this section the accused may be tried again

(5) The president of any court-martial may, on any deliberation amongst the members, cause the court to be cleared of all other persons

(6) The court may adjourn from time to time

(7) The court may also, where necessary, view any place

(8) In the case of an equality of votes on the finding the accused shall be deemed to be acquitted. In the case of an equality of votes on the sentence, or any question arising after the commencement of the trial except the finding, the president shall have a second or casting vote

(9) When a court-martial recommend a person under sentence to mercy, such recommendation shall be attached to and form part of the proceedings of the court, and shall be promulgated and communicated to the person under sentence, together with the finding and sentence

**54.** (1) The following authorities shall have power to confirm the findings and sentences of courts-martial, that is to say,

Confirmation,  
revision and  
approval of  
sentences.

(b) In the case of a general court-martial, His Majesty, or some officer deriving authority to confirm the findings and sentences of general courts-martial immediately or mediate-  
ly from His Majesty

(c) In the case of a district court-martial, an officer authorised to convene general courts-martial, or some officer deriving authority to confirm the findings and sentences of district courts-martial from an officer authorised to convene general courts-martial

(d) In the case of a field general court-martial, an officer autho-  
rised to confirm the findings and sentences of general courts-  
martial for the trial of offences in the force of which the  
detachment or portion of the air-force under the command  
of the convening officer forms part, or, where the offence  
was committed on active service, any such officer as may  
under the rules made in pursuance of this Act be autho-

court shall be read over in the hearing of the accused on their first assembling and before they are sworn, and he shall be asked whether he objects to any of such officers and a like question shall be repeated in respect of any officer appointed to serve in lieu of a retiring officer

*Administration of oaths.*

52 (1) An oath shall be administered by the prescribed person to every member of every court-martial before the commencement of the trial in the following form that is to say

You do swear that  
 you will well and truly try the accused [or accused persons] before the court according to the evidence, and that you will duly administer justice according to the Air Force Act now in force without partiality favour, or affection and you do further swear that except so far as may be permitted by instructions of the Air Council for the purpose of communicating the sentence to the accused you will not divulge the sentence of the court until it is duly confirmed and you do further swear that you will not on <sup>8 Geo. 5. a.d.</sup> any account at any time whatsoever disclose or discover the vote or opinion of any particular member of this court martial unless thereninto required in due course of law  
 So help you GOD

(2) An oath in the prescribed form or forms shall be administered by the prescribed person to the judge advocate or person officiating as judge advocate (if any) and also to every officer in attendance on a court martial for the purpose of instruction (if any) and also to every short hand writer (if any) in attendance on the court martial

(3) Every witness before a court martial shall be examined on oath which the president or other prescribed person shall administer in the prescribed form

(4) If a person by this Act required either as a member of or person in attendance on or witness before a court martial or otherwise in respect of a court martial to take an oath objects to take an oath or is objected to as incompetent to take an oath the court is satisfied of the sincerity of the objection or where the competence of the person to take an oath is objected to of the oath having no binding effect on the conscience of such person shall permit such person instead of being sworn to make a solemn declaration in the prescribed form and for the purposes of this Act such solemn declaration shall be deemed to be an oath

*Procedure.*

53 (1) If a court martial after the commencement of the trial is by death or otherwise reduced below the legal minimum it shall be dissolved

(2) If after the commencement of the trial the president dies or is otherwise unable to attend, and the court is not reduced below the legal minimum, the convening authority may appoint the senior member of the court, if of sufficient rank, to be president, and the trial shall proceed accordingly, but if he is not of sufficient rank the court shall be dissolved

(3) If, on account of the illness of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved

(4) Where a court-martial is dissolved under the foregoing provisions of this section the accused may be tried again

(5) The president of any court-martial may, on any deliberation amongst the members, cause the court to be cleared of all other persons

(6) The court may adjourn from time to time

(7) The court may also, where necessary, view any place

(8) In the case of an equality of votes on the finding the accused shall be deemed to be acquitted. In the case of an equality of votes on the sentence, or any question arising after the commencement of the trial except the finding, the president shall have a second or casting vote

(9) When a court-martial recommend a person under sentence to mercy, such recommendation shall be attached to and form part of the proceedings of the court, and shall be promulgated and communicated to the person under sentence, together with the finding and sentence

54. (1) The following authorities shall have power to confirm the findings and sentences of courts-martial, that is to say,

Confirmation,  
revision and  
approval of  
sentences.

(b) In the case of a general court-martial, His Majesty, or some officer deriving authority to confirm the findings and sentences of general courts-martial immediately or mediate-  
ly from His Majesty

(c) In the case of a district court-martial, an officer authorised to convene general courts-martial, or some officer deriving authority to confirm the findings and sentences of district courts-martial from an officer authorised to convene general courts-martial

(d) In the case of a field general court-martial, an officer autho-  
rised to confirm the findings and sentences of general courts-  
martial for the trial of offences in the force of which the  
detachment or portion of the air-force under the command  
of the convening officer forms part, or, where the offence  
was committed on active service, any such officer as may  
under the rules made in pursuance of this Act be autho-

rised to confirm the findings and sentences of the field general court martial awarding the sentence. Provided that a sentence of death or penal servitude awarded by a field general court martial shall not be carried into effect, unless or until it has been confirmed by the officer not being below the rank of squadron leader, flag officer or 10 G field officer commanding the force with which the person under sentence is present at the date of his sentence whether such officer is an officer of the air force or of the naval or military forces.

(2) The authority having power to confirm the finding and sentence of a court-martial may send back such finding and sentence or either of them for revision once but not more than once and it shall not be lawful for the court on any revision to receive any additional evidence and where the finding only is sent back for revision the court shall have power without any direction to revise the sentence also. In no case shall the authority recommend the increase of a sentence, nor shall the court martial on revision of the sentence either in obedience to the recommendation of an authority or for any other reason have the power to increase the sentence awarded.

(3) The finding of acquittal whether on all or some of the offences with which the accused is charged shall not require confirmation or be subject to be revised and shall be pronounced at once in open court, and if it relates to the whole of the offences the accused shall be discharged.

(4) A member of a court martial shall not have authority to confirm the finding or sentence of that court martial and where a member of a court martial becomes confirming officer he shall refer the finding and sentence of the court martial to a superior authority competent to confirm the findings and sentences of the like description of courts-martial and that authority shall for the purposes of this Act be deemed to be in that instance the confirming authority and where a court martial is held in a colony and there is no such superior authority in that colony the governor of that colony shall have power to confirm the finding and sentence of such court martial in like manner in all respects as if he were such superior authority as above mentioned. Provided that where a member of a field general court martial trying an accused but for his being a member of the court have power to confirm the finding and sentence of the court and it is opinion that it is impracticable having due regard to the public interest to try the cause for the purpose of referring it to any other officer he may do so in the finding and sentence.

(5) An officer having authority to confirm the finding and sentence of a court-martial may withhold his confirmation wholly or partly, and refer such finding and sentence or the part not confirmed to any superior authority competent to confirm the findings and sentence of the like description of courts-martial, and that authority shall for the purposes of this Act be deemed to be in that instance and to the extent of such reference the confirming authority.

(6) Subject to the provisions of this Act with respect to the finding of acquittal, the finding and sentence of a court-martial shall not be valid except in so far as the same may be confirmed by an authority authorised to confirm the same.

(7) Sentence of death when passed in a colony shall not, unless passed in respect of an offence committed on active service, be carried into effect, unless, in addition to the confirmation otherwise required by this Act, it is approved by the governor of the colony.

(8) Sentence of death when passed in India in respect of the offence of treason or murder shall not (except where the offence was committed on active service) be carried into effect, unless, in addition to the confirmation otherwise required by this Act, it is approved by the Governor-General.

(9) When a person subject to this Act is convicted of manslaughter, or rape, or any other civil offence under the section of this Act relating to the trial by court-martial of civil offences, and is sentenced to penal servitude, such sentence shall not be carried into execution unless, in addition to the confirmation otherwise required by this Act, it is approved, if the offender has been tried in India, by the Governor-General, or, if he has been tried in a colony, by the governor of the colony.

56. (1) An accused charged before a court-martial with stealing may be found guilty of embezzlement or of fraudulently misapplying money or property

Conviction of  
less offence  
permissible  
on charge of  
greater

(2) An accused charged before a court-martial with embezzlement may be found guilty of stealing or fraudulently misapplying money or property

(3) An accused charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave

(4) An accused charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave

(5) An accused charged before a court-martial with any other offence under this Act may, on failure of proof of an offence being committed under circumstances involving a higher degree of punishment, be found guilty of the same offence as being committed under circumstances involving a less degree of punishment

## EXECUTION OF SENTENCE

Commutation and remission of any court martial mitigate or remit the punishment thereby awarded of sentences. 57. (1) The confirming authority may when confirming the sentence or commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court martial or if such punishment is death awarded for the offence of murder then for penal servitude or such less punishment as is in this Act mentioned or if such punishment is cashiering awarded for an offence under section sixteen of this Act then for dismissal from His Majesty's service or <sup>15 Geo. 5.</sup> such less punishment as is in this Act mentioned. The confirming authority may also suspend for such time as seems expedient the execution of a sentence.

(2) When a sentence passed by a court martial has been confirmed, the following authorities shall have power to mitigate or remit the punishment thereby awarded or to commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court martial or if such punishment is death awarded for the offence of murder then for penal servitude or such less punishment as is in this Act mentioned or if such punishment <sup>15 Geo. 5.</sup> is cashiering awarded for an offence under section sixteen of this Act then for dismissal from His Majesty's service or such less punishment as is in this Act mentioned that is to say

As respects offenders in whatever place they may for the time <sup>Geo. 5.</sup> being be His Majesty or the Air Council or any prescribed <sup>c. 3.</sup> officer

(3) Provided that the power given by this section shall not be exercised by an officer holding a command inferior to that of the authority confirming the sentence unless such officer is authorised by such confirming authority or other superior air force authority to exercise such power.

(4) An authority having power under this section to mitigate remit or commute any punishment may if it seem fit do all or any of those things in respect of a person subject to such punishment.

(5) The provision of this Act with respect to an original sentence of penal servitude imprisonment or detention shall apply to a sentence of penal servitude imprisonment or detention imposed by way of commutation.

57A. (1) Where an airman is sentenced to penal servitude imprisonment or detention the confirming authority to whom the sentence is submitted for confirmation may when confirming the sentence direct that the airman be not committed to prison or detention barracks until the order of a superior air force authority have been obtained.

(2) A superior air-force authority may in the case of any airman so sentenced—

(a) direct that a committal to prison or detention barracks shall not be issued until his orders have been obtained,

(b) suspend the sentence whether or not the airman has already been committed to prison or detention barracks

(3) Where a sentence of penal servitude, imprisonment, or detention is suspended under this section before the airman has been committed to prison or detention barracks, the airman if in custody shall be released, and notwithstanding anything in this Act, the sentence shall not begin to run until the airman is ordered to be committed to prison or detention barracks under that sentence

(4) Where a sentence of penal servitude, imprisonment or detention is suspended under this section after the airman has been committed to prison or detention barracks, he shall be discharged and the currency of the sentence shall be suspended from the day on which he is released until he is again ordered to be committed to prison or detention barracks under the same sentence

(5) Where a sentence has been suspended under this section, the case may at any time, and shall, at intervals of not more than three months, be reconsidered by a competent air-force authority, and, if on any such reconsideration it appears to the competent air-force authority that the conduct of the airman since his conviction has been such as to justify a remission of the sentence, he shall remit it

(6) A superior air-force authority may at any time whilst a sentence is suspended under this section, order that the airman be committed to prison or detention barracks, and from the date of such order the sentence shall cease to be suspended

(7) Where an airman whilst a sentence on him is so suspended is sentenced to penal servitude, imprisonment or detention for a fresh offence, a superior air-force authority may direct that the two sentences shall either run concurrently or consecutively, so, however, that the aggregate term of imprisonment or detention served under two or more sentences of imprisonment or detention shall not exceed two consecutive years, provided that, where the sentence for such fresh offence is a sentence of penal servitude, then, whether or not that sentence is suspended, any previous sentence of imprisonment or detention which has been suspended shall be avoided

(8) The powers conferred by this section shall be in addition to and not in derogation of any other powers as to the mitigation, remission, commutation, or suspension of sentences conferred by this Act, and a superior air-force authority under this section shall be an authority having power to mitigate, remit, or commute sentences of penal servi-

tude, imprisonment or detention under subsection (2) of section fifty seven of this Act

(9) In this section—

The expression "superior air force authority" means the Air Council and any general or air officer whom the Air Council may appoint for the purpose or the officer in chief command of any force employed on active service beyond the seas and any general or air officer whom be may appoint for that purpose

The expression "competent air force authority" means a superior air force authority or any general or other officer not below the rank of squadron leader duly authorised by a superior air force authority

Effect of sentence of penal servitude.

58 When a person subject to this Act is convicted by a court martial, whether in the United Kingdom or elsewhere either within or without His Majesty's dominions and is sentenced to penal servitude such conviction and sentence shall be of the same effect as if such person (in this Act referred to as an air force convict) had been convicted in the United Kingdom of an offence punishable by penal servitude and sentenced to penal servitude by a competent civil court and all enactments relating to a person sentenced to penal servitude by a competent civil court shall, as far as circumstances admit apply accordingly

Execution of sentences of penal servitude passed in the United Kingdom.

59 (1) Where a sentence of penal servitude is passed by a court martial in the United Kingdom the air force convict on whom such sentence has been passed shall as soon as practicable be transferred to a penal servitude prison to undergo his sentence according to law and until so transferred shall be kept in air force custody

(2) The order of the committing authority (hereinafter in this section mentioned) shall be a sufficient warrant for his transfer to a penal servitude prison

(3) At any time before his arrival at a penal servitude prison the discharging authority (hereafter in this section mentioned) may by order discharge the air force convict

(4) Any one or more of the following authorities shall be the committing authority for the purposes of this section namely—

- (a) The Air Council
- (b) The commanding officer of the air force convict and
- (c) Any other prescribed officer

(5) Any one of the following authorities shall be the discharging authority for the purpose of this section namely—

- (a) The Air Council and
- (b) Any other prescribed officer

60. (1) Where a sentence of penal servitude is passed by a court-martial in India or any colony, the air-force convict on whom such sentence has been passed shall, as soon as practicable, be transferred to a penal servitude prison to undergo his sentence according to law

Execution of  
sentences of  
penal servit-  
ude passed  
in India or a  
colony

(2) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for his transfer to a penal servitude prison

(3) The air-force convict during the period which intervenes between the passing of his sentence and his arrival at the penal servitude prison (in this section referred to as the term of his intermediate custody) shall be deemed to be in legal custody

(4) The air-force convict during his term of intermediate custody may be kept in air-force custody or in civil custody, or partly in one description of custody and partly in the other, and may from time to time be transferred from air-force custody to civil custody and from civil custody to air-force custody as occasion may require, and may, during his conveyance from place to place, or when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal

(5) "Civil custody," for the purposes of this section, means custody in any authorised prison, nevertheless, where it is not practicable to place the air-force convict in an authorised prison he may, by way of civil custody, be confined temporarily in any other prison with the assent of the authority having jurisdiction over that prison

Execution of  
sentence

(6) The air-force convict whilst in any prison in which he may legally be placed may be dealt with, in respect of hard labour and otherwise, according to the rules of that prison.

(7) An order of the removing authority (hereafter in this section mentioned) shall be a sufficient authority for the transfer of the air-force convict from air-force custody to civil custody and from civil custody to air-force custody, and his removal from place to place, and for his detention in civil custody, and generally for dealing with such convict in such manner as may be thought expedient during the term of his intermediate custody

(8) The removing authority during the term of the intermediate custody of the air-force convict may from time to time by order provide for his being brought before a court-martial, or any civil court, either as a witness or for trial or otherwise, and an order of such authority shall be a sufficient warrant for the delivering him into air-force custody, and detaining him in custody until he can be returned, and for returning him to the place from whence he is brought, or to such other place as may be determined by the removing authority

(9) Any directions of the removing authority relating to the mode in which the air-force convict is to be dealt with during the term of his

intermediate custody may be contained in the same order or in several orders and if the orders are more than one they may be by different officers and at different times

(10) At any time before the air force convict arrives at a penal servitude prison the discharging authority (hereafter in this section mentioned) may by order discharge the air force convict

(11) The committing authority for the purposes of this section, whether in India or a colony shall be the prescribed officer

(12) Any one or more of the following officers shall be the removing authority for the purposes of this section that is to say,

(a) Any officer prescribed as the committing authority also

(c) Any other prescribed officer

(13) Any of the following officers shall be the discharging authority for the purposes of this section that is to say

(a) The officer who confirmed the sentence also

(b) Any officer prescribed as the committing authority, also

(c) Any other prescribed officer

**61** (1) Where a sentence of penal servitude is passed by a court martial in any foreign country the air force convict on whom such sentence has been passed shall as soon as practicable be transferred to a penal servitude prison for the purpose of undergoing his sentence according to law and until so transferred may be kept in air force custody

(2) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for the transfer of the air force convict to a penal servitude prison

(3) If at any time before his arrival in the United Kingdom the air force convict is brought into India or any colony he may be dealt with by the competent air force authority in India or such colony in the same manner in all respects as if he had been thereto sentenced by court martial to penal servitude

(4) The air force convict may at any time before he arrives at any place in the United Kingdom India or any colony be discharged by the discharging authority (hereafter in this section mentioned) having jurisdiction in any place where the air force convict may for the time being be

(a) Any one or more of the following officers shall be the committing authority for the purposes of this section that is to say

(b) The officer who confirmed the sentence of the court,

(c) Any other prescribed officer

(6) Any committing authority under this section shall also be the discharging authority for the purposes of this section.

**62.** (1) A penal servitude prison for the purposes of the provisions of this Act relating to penal servitude means any prison or place in which a prisoner sentenced to penal servitude by a civil court in the United Kingdom can for the time being be confined, either permanently or temporarily.

(2) An "authorised prison" for the purposes of the provisions of this Act relating to penal servitude means any prison in India or any colony which the Governor-General of India or the governor of such colony may, with the concurrence of a Secretary of State, have appointed as a prison in which air-force convicts may, during the period of their intermediate custody, be confined.

(3) After an air-force convict has arrived at the penal servitude prison to undergo his sentence, he shall be dealt with in the like manner as an ordinary civil prisoner under sentence of penal servitude.

**63.** (1) Where a sentence of imprisonment is passed by court-martial, the person on whom that sentence has been passed (in the provisions of this Act relating to imprisonment referred to as an air-force prisoner) shall undergo the term of his imprisonment either in air-force custody or in a detention barrack or in a public prison, or partly in one way and partly in another, and where a sentence of detention is passed by a court-martial or a commanding officer, the person on whom that sentence has been passed (in the provisions of this Act relating to detention referred to as an airman undergoing detention) shall undergo the term of his detention either in air-force custody or in a detention barrack, or partly in one way and partly in the other, but not in a prison.

(2) Any person liable to be imprisoned in an air-force prison may be confined in a detention barrack.

(3) The order of the committing authority hereafter mentioned shall be a sufficient warrant for the transfer of an air-force prisoner to a public prison or a detention barrack, or an airman undergoing detention to a detention barrack.

(4) An air-force prisoner while in a public prison shall be confined, kept to hard labour, and otherwise dealt with in the like manner as an ordinary prisoner under a like sentence of imprisonment, and where the hospital or place for the reception of sick persons in a public prison or a detention barrack is detached from the prison or detention barrack, an air-force prisoner or an airman undergoing detention may be detained in that hospital or place, and conveyed to or from the same as circumstances require.

(5) An air-force prisoner or an airman undergoing detention, during his conveyance from place to place, or when on board ship or otherwise,

intermediate custody may be contained in the same order or in several orders and if the orders are more than one they may be by different officers and at different times

(10) At any time before the air force convict arrives at a penal servitude prison the discharging authority (hereafter in this section mentioned) may by order discharge the air force convict

(11) The committing authority for the purposes of this section, whether in India or a colony shall be the prescribed officer

(12) Any one or more of the following officers shall be the removing authority for the purposes of this section, that is to say,

- (a) Any officer prescribed as the committing authority, also
- (c) Any other prescribed officer

(13) Any of the following officers shall be the discharging authority for the purposes of this section that is to say

- (a) The officer who confirmed the sentence also
- (b) Any officer prescribed as the committing authority also
- (c) Any other prescribed officer

**61.** (1) Where a sentence of penal servitude is passed by a court martial in any foreign country the air force convict on whom such sentence has been passed shall as soon as practicable be transferred to a penal servitude prison for the purpose of undergoing his sentence according to law and until so transferred may be kept in air force custody

(2) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for the transfer of the air force convict to a penal servitude prison

(3) If at any time before his arrival in the United Kingdom the air force convict is brought into India or any colony he may be dealt with by the competent air force authority in India or such colony in the same manner in all respects as if he had been there sentenced by court martial to penal servitude

(4) The air force convict may at any time before he arrive at any place in the United Kingdom India or any colony be discharged by the discharging authority (hereafter in this section mentioned) having jurisdiction in any place where the air force convict may for the time being be

(a) Any one or more of the following officers shall be the committing authority for the purposes of this section that is to say,

- (b) The officer who confirmed the sentence of the court,
- (c) Any other prescribed officer

(6) Any committing authority under this section shall also be the discharging authority for the purposes of this section.

62. (1) A penal servitude prison for the purposes of the provisions of this Act relating to penal servitude means any prison or place in which a prisoner sentenced to penal servitude by a civil court in the United Kingdom can for the time being be confined, either permanently or temporarily

(2) An "authorised prison" for the purposes of the provisions of this Act relating to penal servitude means any prison in India or any colony which the Governor-General of India or the governor of such colony may, with the concurrence of a Secretary of State, have appointed as a prison in which air-force convicts may, during the period of their intermediate custody, be confined

(3) After an air-force convict has arrived at the penal servitude prison to undergo his sentence, he shall be dealt with in the like manner as an ordinary civil prisoner under sentence of penal servitude

63. (1) Where a sentence of imprisonment is passed by court-martial, the person on whom that sentence has been passed (in the provisions of this Act relating to imprisonment referred to as an air-force prisoner) shall undergo the term of his imprisonment either in air-force custody or in a detention barrack or in a public prison, or partly in one way and partly in another, and where a sentence of detention is passed by a court-martial or a commanding officer, the person on whom that sentence has been passed (in the provisions of this Act relating to detention referred to as an airman undergoing detention) shall undergo the term of his detention either in air-force custody or in a detention barrack, or partly in one way and partly in the other, but not in a prison

(2) Any person liable to be imprisoned in an air-force prison may be confined in a detention barrack

(3) The order of the committing authority hereafter mentioned shall be a sufficient warrant for the transfer of an air-force prisoner to a public prison or a detention barrack, or an airman undergoing detention to a detention barrack

(4) An air-force prisoner while in a public prison shall be confined, kept to hard labour, and otherwise dealt with in the like manner as an ordinary prisoner under a like sentence of imprisonment, and where the hospital or place for the reception of sick persons in a public prison or a detention barrack is detached from the prison or detention barrack, an air-force prisoner or an airman undergoing detention may be detained in that hospital or place, and conveyed to or from the same as circumstances require

(5) An air-force prisoner or an airman undergoing detention, during his conveyance from place to place, or when on board ship or otherwise,

may be subjected to such restraint as is necessary for his safe custody and removal.

(6) The discharging authority hereafter mentioned may, at any time during the period of the imprisonment of an air force prisoner, or of the detention of an airman undergoing detention by order discharge the prisoner or airman.

(7) The committing authority or any other prescribed authority may at any time by order remove an air force prisoner from one public prison or detention barrack to another prison or detention barrack, or an airman undergoing detention from one detention barrack to another, so that he be not removed from a prison or detention barrack in the United Kingdom to a prison or detention barrack elsewhere.

(8) The removing authority hereafter mentioned may, at any time during the period of the imprisonment of an air force prisoner or of the detention of an airman undergoing detention, from time to time by order provide for his being brought before a court martial or any civil court either as a witness or for trial or otherwise and an order of such authority shall be a sufficient warrant for delivering him into air force custody and detaining him in custody until he can be returned, and for returning him to the place from whence he is brought, or to such other place as may be determined by the removing authority.

**84.** Where a sentence of imprisonment or detention is passed or is being undergone in the United Kingdom then for the purposes of the provisions of this Act relating to imprisonment or detention as the case may be—

Supplemental  
provisions as  
to sentences  
of imprison-  
ment or  
detention  
passed or  
being under-  
gone in the  
United King-  
dom.

(1) The expression 'public prison' means any prison in the United Kingdom in which offenders sentenced by a civil court to imprisonment can for the time being be confined.

(2) Any one or more of the following authorities shall be the committing authority—

- (a) The Air Council
- (b) The officer who confirmed the sentence,
- (c) The commanding officer of the air force prisoner or airman undergoing detention and
- (d) Any other prescribed officer.

(3) Any one of the following authorities shall be the discharging authority—

- (i) The Air Council
- (c) The officer who confirmed the sentence
- (d) Any other prescribed officer also
- (e) Where the sentence was passed by the commanding officer, the commanding officer.

(4) Any one or more of the following authorities shall be the removing authority

- (a) The Air Council,
- (c) Any other prescribed officer, also,
- (d) Where the sentence was passed by the commanding officer, the commanding officer.

65. Where a sentence of imprisonment or detention is passed or being undergone in India or any colony, then, for the purposes of the provisions of this Act relating to imprisonment or detention, as the case may be—

(1) The expression "public prison" means any of the following prisons; that is to say,

- (a) Where the sentence was passed in India, any authorised prison in India,
- (b) Where the sentence was passed in a colony any authorised prison in that colony;
- (c) Any such authorised prison in any part of His Majesty's dominions other than that in which the sentence was passed as may be prescribed; and
- (d) Any public prison in the United Kingdom as above defined for the purpose of the provisions of this Act relating to imprisonment in the United Kingdom.

(2) "Authorised prison" means any prison in India or any colony which the Governor-General of India or the governor of such colony, with the concurrence of the Secretary of State, may have appointed as a prison in which air-force prisoners may be confined

(3) An air-force prisoner may temporarily be confined in a prison not a public prison, with the assent of the authority having jurisdiction over such prison. And an air-force prisoner, who is to undergo his sentence in the United Kingdom until he reaches a prison in the United Kingdom, in which he is to undergo his sentence, may be kept in air-force custody or in civil custody, and partly in one description of custody and partly in the other, and may from time to time be transferred from air-force custody to civil custody, and from civil custody to air-force custody, as occasion may require

(4) Any one or more of the following officers shall be the committing authority; that is to say, whether in India or in a colony,

- (i) The officer who confirmed the sentence,

- (ii) The commanding officer of the air force prisoner or airman undergoing detention, and
- (iii) Any other prescribed officer

(5) Any of the following officers shall be the discharging authority

- (b) Any officer in this section named as a committing authority with this exception that the commanding officer shall only be a discharging authority where the sentence was passed by a commanding officer and
- (c) Any other prescribed officer

(6) Any one or more of the following officers shall be the removing authority

- (a) Any officer in this section named as a committing authority
- (c) Any other prescribed officer

*Supplemental provision  
as to  
sentences of  
imprisonment  
or detention  
passed in a  
foreign country*

86 Where a sentence of imprisonment or detention is passed by a court martial or commanding officer in any foreign country, then if and as soon as the air force prisoner or airman undergoing detention on whom such sentence has been passed is brought into the United Kingdom or India or any colony the provisions of this Act shall apply in the same manner in all respects as if the sentence of imprisonment or detention had been passed in the United Kingdom India or any colony as the case may be with this addition that the officer commanding the force to which the air force prisoner or airman undergoing detention belonged at the time of his being sentenced shall also be deemed to be a committing authority whether such officer is an officer of the air force or of the Army or Navy.

*Removal of  
prisoner or  
airman under  
going deten  
tion to place  
where corps  
or unit is  
serving.*

87 (1) The competent air force authority (hereafter in this section mentioned) may give direction for the delivery into air force custody of any air force prisoner or airman undergoing detention for the time being undergoing his sentence of imprisonment or detention and the removal of such prisoner or airman whether with his corps or unit or separately, to any place beyond the seas where the corps or unit or any part thereof to which for the time being he belongs is serving or under orders to serve.

(2) The direction of such competent air force authority or an order of the removing authority issued in pursuance of such direction shall be sufficient authority for the removal of such prisoner or airman from the prison or detention barrack in which he is confined and for his conveyance in air force custody to any place he is posted and for his intermediate custody during such removal and conveyance.

(3) The competent air-force authority may further give directions for the discharge of the prisoner or airman either conditionally or unconditionally at any time while he is in air-force custody under this section.

(4) For the purposes of this section any one or more of the following authorities shall be the competent air-force authority.

(a) In the United Kingdom—

- (i) The Air Council, and
- (ii) Any other prescribed officer

(d) In India or in a colony, the prescribed officer

**68.** (1) The term of penal servitude, imprisonment, or detention to which a person is sentenced by a court-martial, whether the sentence has been revised or not, and whether the person is already undergoing sentence or not, shall be reckoned to commence on the day on which the original sentence and proceedings were signed by the president of the court-martial.

(2) An offender under this Act shall not be subject to imprisonment or detention for more than two consecutive years, whether under one or more sentences.

#### MISCELLANEOUS.

##### *Articles of War and Rules of Procedure*

**69.** It shall be lawful for His Majesty to make Articles of War for the better government of officers and airmen, and such Articles shall be judicially taken notice of by all judges and in all courts whatsoever. Provided that no person shall, by such Articles of War, be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishment as aforesaid, or be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which does not accord with the provisions of this Act.

**70.** (1) Subject to the provisions of this Act His Majesty may, by rules to be signified under the hand of a Secretary of State, from time to time make, and when made repeal, alter, or add to, provisions in respect of the following matters or any of them, that is to say,

- (a) The assembly and procedure of courts of inquiry,
- (b) The convening and constituting of courts-martial,
- (c) The adjournment, dissolution, and sittings of courts-martial,
- (d) The procedure to be observed in trials by court-martial,
- (e) The confirmation and revision of the findings and sentences of courts-martial, and enabling the authority having power under section fifty-seven of this Act to commute sentences

to substitute a valid sentence for an invalid sentence of a court-martial

- (f) The carrying into effect sentences of courts-martial
- (g) The forms of orders to be made under the provisions of this Act relating to courts-martial, penal servitude, imprisonment or detention
- (h) Any matter in this Act directed to be prescribed
- (i) Any other matter or thing expedient or necessary for the purpose of carrying this Act into execution so far as relates to the investigation trial and punishment of offences triable or punishable by court-martial under this Act

(2) Provided always that no such rules shall contain anything contrary to or inconsistent with the provisions of this Act

(3) All rules made in pursuance of this section shall be judicially noticed

(4) All rules made in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if Parliament be not then sitting, as soon as practicable after the beginning of the then next session of Parliament

(5) The rules as to the procedure of courts of inquiry may provide for evidence being taken on oath and may empower courts of inquiry to administer oaths for that purpose

(6) The rules as to the investigation of a charge may provide for a written summary of the evidence being taken on oath and may empower a commanding officer or any officer before whom he directs such summary to be taken, to administer oaths for that purpose

#### *Command*

Removal of  
doubts as to  
command.

71. (1) For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to His Majesty's forces it is hereby declared that His Majesty may in such manner as to His Majesty may from time to time seem meet make regulations as to the persons to be invested as officers or otherwise, with command over His Majesty's forces, or any part thereof or any person belonging thereto and as to the mode in which such command is to be exercised [Preriso-Rep 15 Geo 3, c 25]

(2) Nothing in this section shall be deemed to be in derogation of any power otherwise vested in His Majesty

#### *Inquiry as to and Confession of Desertion*

Inquiry by  
court of  
inquiry of  
airmen

72. (1) When any airman has been absent without leave from his duty for a period of twenty-one days a court of inquiry may as soon as practicable be assembled and inquire in the prescribed manner on oath

or solemn declaration (which such court is hereby authorised to administer) respecting the fact of such absence and the deficiency (if any) in the arms, ammunition, equipments, instruments, service necessaries, or clothing of the airman, and if satisfied of the fact of such airman having absented himself without leave or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any, and the commanding officer of the absent airman shall enter in the service books a record of the declaration of such court

(2) If the absent airman does not afterwards surrender or is apprehended, such record shall have the legal effect of a conviction by court-martial for desertion

**73.** (1) Where an airman signs a confession that he has been guilty of desertion or of fraudulent enlistment, a competent air-force authority may, by the order dispensing with his trial by a court-martial, or by any subsequent order, award the same forfeitures and the same deductions from pay (if any) as a court-martial could award for the said offence, or as are consequential upon conviction by a court-martial for the said offence, except such of them as may be mentioned in the order.

(2) If upon any such confession, evidence of the truth or falsehood of such confession cannot then be conveniently obtained, the record of such confession, countersigned by the commanding officer of the airman, shall be entered in the service books, and such airman shall continue to do duty in the corps or unit in which he may then be serving, or in any other corps or unit to which he may be transferred, until he is discharged or transferred to the reserve, or until legal proof can be obtained of the truth or falsehood of such confession

(3) The competent air-force authority for the purposes of this section means the Air Council, or any prescribed officer

*Provost Marshal*

**74.** (1) For the prompt repression of all offences which may be committed abroad, provost marshals with assistants may from time to time be appointed by the general order of the air officer commanding a body of the air-force.

(2) A provost marshal or his assistants may at any time arrest and detain for trial persons subject to this Act committing offences, and may also carry into execution any punishments to be inflicted in pursuance of a court-martial, but shall not inflict any punishment of his or their own authority

Provided that a provost marshal and his assistants shall, as respects any airman in his or their custody and undergoing field punishment, have the same powers as the governor of an air-force prison.

*Restitution of Stolen Property*

Power as to  
restitution of  
stolen pro-  
perty

75 (1) Where a person has been convicted by court martial of having stolen embezzled received knowing it to be stolen or otherwise unlawfully obtained any property, and the property or any part thereof is found in the possession of the offender, the authority confirming the finding and sentence of such court martial or the Air Council may order the property so found to be restored to the person appearing to be the lawful owner thereof.

(2) A like order may be made with respect to any property found in the possession of such offender which appears to the confirming authority or the Air Council to have been obtained by the conversion or exchange of any of the property stolen embezzled received or unlawfully obtained.

(3) Moreover where it appears to the confirming authority or the Air Council from the evidence given before the court martial, that any part of the property stolen embezzled received or unlawfully obtained was sold to or pawned with any person without any guilty knowledge on the part of the person purchasing or taking in pawn the property, the authority or the Air Council may on the application of that person, and on the restitution of the said property to the owner thereof order that out of the money (if any) found in the possession of the offender a sum not exceeding the amount of the proceeds of the said sale or pawning shall be paid to the said person purchasing or taking in pawn.

(4) An order under this section shall not bar the right of any person other than the offender or any one claiming through him, to recover any property or money delivered or paid in pursuance of an order under this section from the person to whom the same is so delivered or paid.

**PART II****ENLISTMENT***Period of Service*

Limits of  
original  
enlistment.

76 A person may be enlisted to serve His Majesty as an airman of the regular air force for a period of twelve years or for such longer period as may be from time to time fixed by His Majesty but not for any longer period and the period for which a person enlists is to this Act referred to as the term of his original enlistment. Provided that where any boy is enlisted in the regular air force before attaining the age of eighteen the period of twelve years shall be reckoned from the day on which he attains the age of eighteen years.

**77.** The original enlistment of a person under this Act shall be as follows, either—

- (1) For the whole of the term of his original enlistment in air-force service, or
- (2) For such portion of the term of his original enlistment as may be from time to time fixed by the Air Council and specified in the attestation paper, in air-force service, and for the residue of the said term in the reserve

**78.** (1) The Air Council may from time to time, by general or special regulations, vary the conditions of service, so as to permit an airman of the regular air-force in air-force service, with their assent, either—

- (a) To enter the reserve at once for the residue unexpired of the term of his original enlistment; or
- (b) To extend his air-force service for all or any part of the residue unexpired of such term; or
- (c) To extend the term of his original enlistment up to the period of twelve years, or any shorter period

(2) The Air Council may from time to time, by general or special regulations, vary the conditions of service so as to permit a man in the reserve, with their assent, to re-enter upon air-force service for all or any part of the residue unexpired of the term of his original enlistment, or for any period of time not exceeding twelve years in the whole from the date of his original enlistment

**79.** In reckoning the service of an airman of the regular air force for the purpose of discharge or of transfer to the reserve—

- (1) The service shall begin to reckon from the date of his attestation, but
- (2) Where an airman of the regular air force has been guilty of any of the following offences —
  - (a) Desertion from His Majesty's service, or
  - (b) Fraudulent enlistment,

then either upon his conviction by court-martial of the offence, or (if, having confessed the offence, he is liable to be tried) upon his trial being dispensed with by order of the competent air-force authority, the whole of his prior service shall be forfeited, and he shall be liable to serve as an airman of the regular air force for the term of his original enlistment, reckoned from the date of such conviction or such order dispensing with trial, in like manner as if he had been originally attested at that date

Provided that the Air Council may restore all or any part of the service forfeited under this section to any airman who may perform

Terms of  
original  
enlistment.

Change of  
conditions of  
service

Reckoning  
and forfeiture  
of service

good and faithful service, or may otherwise be deemed by the Air Council to merit such restoration of service or may be recommended for such restoration of service by a court-martial

*Proceedings for Enlistment.*

Mode of an  
Enlistment and  
attestation.

80 (1) Every person authorised to enlist recruits in the regular air force (in this Act referred to as the 'recruiter') shall give to every person offering to enlist a notice in the form for the time being authorised by the Air Council stating the general requirements of attestation and the general conditions of the contract to be entered into by the recruit and directing such person to appear before a justice of the peace either forthwith or at the time and place therein mentioned

(2) Upon the appearance before a justice of the peace of a person offering to enlist, the justice shall ask him whether he has been served with and understands the notice and whether he assents to be enlisted, and shall not proceed with the enlistment if he considers the recruit under the influence of liquor

(3) If he does not appear before a justice or on appearing does not assent to be enlisted no further proceedings shall be taken

(4) If he assents to be enlisted—

(a) The justice after cautioning such person that if he makes any false answers to the questions read to him he will be liable to be punished as provided by this Act shall read or cause to be read to him the questions set forth in the attestation paper for the time being authorised by the Air Council, and shall take care that such person understands each question so read and after ascertaining that the answer of such person to each question has been duly recorded opposite the same in the attestation paper shall require him to make and sign the declaration as to the truth of those answers set forth in the said paper and shall then administer to him the oath of allegiance contained in the said paper

(b) Upon signing the declaration and taking the oath such person shall be deemed to be enlisted as an airman of His Majesty's regular air force

(c) The justice shall attest by his signature in manner required by the said paper the fulfilment of the requirements as to attesting a recruit and shall deliver the attestation paper duly dated to the recruiter

(d) The fee for the attestation of a recruit, and for all acts and things incidental thereto shall be one shilling and no more, and shall be paid to the clerk of the justice

(e) The officer who finally approves of a recruit for service shall, at his request, furnish him with a certified copy of his attestation paper.

(5) The date at which the recruit signs the declaration and takes the oath in this section in that behalf mentioned shall be deemed to be the date of the attestation of such recruit

(6) The competent air-force authority, if satisfied that there is any error in the attestation paper of a recruit, may cause the recruit to attend before some justice of the peace, and that justice, if satisfied that such error exists, and is not so material as to render it just that the recruit should be discharged, may amend the error in the attestation paper, and the paper as amended shall thereupon be deemed as valid as if the matter of the amendment had formed part of the original matter of such paper.

(7) Where the regulations of the Air Council under this part of this Act require duplicate attestation papers to be signed and attested, this section shall apply to both such duplicates, and in the event of any amendment of an attestation paper the amendment shall be made in both of the duplicate attestation papers.

5. If a recruit within three months after the date of his attestation pays for the use of His Majesty a sum not exceeding twenty pounds, he shall be discharged with all convenient speed, unless he claims such discharge during a period when airmen in air-force service, who otherwise would be transferred to the reserve, are required by a proclamation of His Majesty in pursuance of this Act to continue in air-force service, in which case he may be retained in His Majesty's service during that period, and at the termination thereof shall, if he so require it, on the payment then of the said sum, be discharged

#### *Appointment to Corps and Transfers*

82. Recruits may, in pursuance of any general or special regulations from time to time made by the Air Council, be enlisted for service in particular corps or units of the regular air force, but save as is provided by such regulations, if any, recruits shall be enlisted for general service.

#### *Re-engagement and Prolongation of Service.*

84. (1) Subject to any general or special regulations from time to time made by the Air Council, an airman of the regular air force, if in air-force service, and after the expiration of nine years from the date of his original term of enlistment, may on the recommendation of his commanding officer, and with the approval of the competent air-force authority, be re-engaged for such further period of air-force service as will make up a total continuous period of twenty-four years of air-force

service reckoned from the date of his attestation and inclusive of any period previously served in the reserve

(2) An airman of the regular air force during his period of re-engagement shall be liable to forfeit his previous service during such period of re-engagement in like manner as he is liable under this part of this Act during the term of his original enlistment

(3) An airman of the regular air force who so re-engages shall make before his commanding officer a declaration in accordance with the said regulations

*Continuance  
of service.*

85 An airman of the regular air force who has completed or will 10 Geo. 5. within one year complete the total period of service for which he has <sup>a. 7</sup> re-engaged under the last preceding section of this Act inclusive of any period served in the reserve may give notice to his commanding officer of his desire to continue in His Majesty's service in the regular air force and if the competent air force authority approve he may be continu'd as an airman of the regular air force in the same manner in all respects as if his term of service were still unexpired except that he may claim his discharge at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged

*Re-engag-  
ment and con-  
tinuance of  
service of non  
commissioned  
officers*

86 The regulations from time to time made in pursuance of this part of this Act may if it seems expedient provide that a non-commissioned officer of the regular air force who extend his air force service for the residue unexpired of his original term of enlistment shall have the right at his option to re-engage under section eighty four and to continue his service under section eighty five of this Act or to do either of such things subject nevertheless to the veto of the Air Council or other authority mentioned in the regulations and to such other conditions as are specified in the regulations

*Prolongation  
of service in  
certain cases.*

87 (1) Where the time at which an airman of the regular air force would otherwise be entitled to be discharged occurs while a state of war exists between His Majesty and any foreign power or while such airman is on service beyond the seas or while airmen in the reserve are required by proclamation in pursuance of the enactments relating to the calling out of the reserve on permanent service to continue in or re-enter upon air force service or while officers and men of the air force reserve are called out to serve in defence of the British Islands against actual or apprehended attack the airman may be detained and his service may be prolonged for such further period not exceeding twelve months as the competent air force authority may order, but at the expiration of that 13 Geo. 5. period or any earlier period at which the competent air force authority <sup>a. 23.</sup> considers his services can be dispensed with the airman shall as provided by this Act be discharged with all convenient speed

(2) Where the time at which an airman of the regular air force would otherwise be entitled to be transferred to the reserves occurs while a state

Geo 5,  
25.

of war exists between His Majesty and any foreign power or while such airman is on service beyond the seas, or while officers and men of the air force reserve are called out to serve in defence of the British Islands against actual or apprehended attack, the airman may be detained in air-force service for such further period, not exceeding twelve months, as the competent air-force authority may order, but at the expiration of that period, or any earlier period at which the competent air-force authority considers his services can be dispensed with, the airman shall with all convenient speed be sent to the United Kingdom for the purpose of being transferred to the reserve unless at that time a proclamation calling out the air-force reserve or any part thereof is in force

(3) If an airman required under this section to be discharged or sent to the United Kingdom desires, while a state of war exists between His Majesty and any foreign power, to continue in His Majesty's service, and the competent air-force authority approve, he may agree to continue as an airman of the regular air force in the same manner in all respects as if his term of service were still unexpired, except that he may claim his discharge at the end of such state of war, or, if it is so provided by such agreement, at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged

(4) An airman who so agrees to continue shall make before his commanding officer a declaration in accordance with any general or special regulations from time to time made by the Air Council

**88.** (1) It shall be lawful for His Majesty in Council in case of imminent national danger or of great emergency, by proclamation, the occasion being first communicated to Parliament if Parliament be then sitting, or if Parliament be not then sitting declared by the proclamation, to order that the airmen who would otherwise be entitled in pursuance of the terms of their enlistment to be transferred to the reserve shall continue in air-force service

In imminent  
national  
danger, His  
Majesty may  
continue  
airmen in  
air-force  
service or call  
out reserve  
for permanent  
service

(2) It shall be lawful for His Majesty by any such proclamation to order the Air Council from time to time to give, and when given to revoke or vary, such directions as may seem necessary or proper for causing all or any of the airmen mentioned in the proclamation to continue in air-force service

(3) Every airman for the time being required by or in pursuance of such directions to continue in air-force service shall continue to serve in air-force service for the same period for which he might be required to serve, if he had been transferred to the reserve and called out for permanent service by a proclamation of His Majesty under the enactments relating to the reserve

(4) Any man who has entered the reserve in pursuance of the terms of his enlistment may be called out for permanent service by a proclama-

tion of His Majesty under the enactments relating to the calling out of the reserve on permanent service

*Discharge and Transfer to Reserve Force*

**89** In the following cases that is to say

- (1) Where an airman of the regular air force has been invalidated from service beyond the seas, or
- (2) Where a corps or unit to which an airman of the regular air force belongs or the part thereof in which he is serving, is ordered on service beyond the seas and the airman is either unfit for such service by reason of his health or is within two years of the end of the period of his air force service in the terms of his original enlistment

the competent air force authority may by order transfer him to the reserve in like manner as if the period of his actual service were specified in his attestation paper as the portion of the term of his original enlistment which was to be spent in air force service

Where an airman of the regular air force was before attaining the age of eighteen enlisted for the whole term of his original enlistment in air force service the Air Council may within six years after he attained 13 Geo. 5, that age give him notice that he may be transferred to the reserve when he is within two years of the end of the period of his air force service in the terms of his original enlistment and when such a notice has been given the competent air force authority may at any time within the said two years by order transfer him to the reserve in manner aforesaid

**90** (1) Save as otherwise provided by this Act or the Acts relating to the air force reserve every airman of the regular air force, upon the completion of the term of his original enlistment or of the period of his re-engagement shall be discharged with all convenient speed but until so discharged shall be subject to this Act as an airman of the regular air force

(2) Where an airman of the regular air force enlisted in the United Kingdom is when entitled to be discharged serving beyond the seas he shall if he so requires be sent to the United Kingdom and in such case shall with all convenient speed be sent there free of expense and on his arrival be discharged If such airman is permitted at his request to stay at the place where he is serving he shall not afterwards have any claim to be sent at the public expense to the United Kingdom or elsewhere

(3) Every airman of the regular air force upon the completion of the period of his air force service if shorter than the term of his original enlistment shall be transferred to the reserve but until so transferred shall be subject to this Act as an airman of the regular air force

(4) Where an airman of the regular air force, when entitled to be transferred to the reserve, is serving beyond the seas, he shall be sent to the United Kingdom of free of expense with all convenient speed, and on his arrival shall be transferred to the reserve.

(5) An airman of the regular air force who is discharged on the completion of the term of his original enlistment or his re-engagement, as mentioned in the second sub-section of this section, or is transferred to the reserve, shall be entitled to be conveyed free of cost from the place in the United Kingdom where he is discharged or transferred to the place in which he appears from his attestation paper to have been attested, or to any place at which he may at the time of his discharge or transfer decide to take up his residence, and to which he can be conveyed without greater cost Provided that in the case of transfer to the reserve he shall not be entitled to be so conveyed to any place out of the United Kingdom

91. (1) The Air Council or any officer deputed by them for the purpose, may, if they or he think proper, on account of an airman's lunacy, cause any airman of the regular air force on his discharge, and his wife and child, or any of them, to be sent to the parish or union to which under the statutes for the time being in force he appears, from the statements made in his attestation paper and other available information to be chargeable, and such airman, wife, or child, if delivered after reasonable notice, in England or Ireland at the workhouse in which persons settled in such parish or union are received, and in Scotland to the inspector of poor of such parish, shall be received by the master or other proper office of such workhouse or such inspector of poor, as the case may be

Delivery of  
lunatic air-  
man on dis-  
charge with  
his wife or  
child at work-  
house or of  
dangerous  
lunatic at  
asylum.

(2) Provided that the Air Council, or any officer deputed by them for the purpose, where it appears to them or him that any such airman is a dangerous lunatic, and is in such a state of health as not to be liable to suffer bodily or mental injury by his removal, may, by order signified under their or his hand, send such lunatic direct to an asylum, registered hospital, licensed house, or other place in which pauper lunatics can legally be confined, and for the purpose of the said order the above-mentioned parish or union shall be deemed to be the parish or union from which such lunatic is sent

(3) In England the lunatic shall be sent to the asylum, hospital, house, or place to which a person in the workhouse aforesaid, on becoming a dangerous lunatic, can by law be removed, and an order of the Air Council or officer under this section shall be of the same effect as a summary reception order within the meaning of the Lunacy Act, 1890, and the like proceedings shall be taken thereon as on an order under that Act

(4) The Air Council or officer, before making the said order in respect of a lunatic who is liable to be delivered to the inspector of poor of a

- (2) A court of summary jurisdiction within whose jurisdiction the apprentice may be if satisfied on complaint by the master that he is entitled to have the apprentice delivered up to him, may order the officer under whose command the apprentice is to deliver him to the master but if satisfied that the apprentice stated on his attestation that he was not an apprentice may and if required by or on behalf of the said commanding officer shall try the apprentice for the offence of making such false statement and if need be may adjourn the case for the purpose
- (3) Except in pursuance of an order of a court of summary jurisdiction an apprentice shall not be taken from His Majesty's service
- (4) An apprentice shall not be claimed in pursuance of this section unless he was bound for at least four years by a regular indenture and was under the age of sixteen years when so bound
- (5) A master who gives up the indenture of his apprentice within one month after the attestation of such apprentice shall be entitled to receive to his own use so much of the bounty (if any) payable to such apprentice on enlistment as has not been paid to the apprentice before notice was given of his being an apprentice

*Application  
of apprentices  
provisions  
to indentured  
labourers.*

97 The provisions of this part of this Act with respect to apprentices shall apply to a person who at the time of his attestation is an indentured labourer in a colony with these qualifications that such indentured labourer if imported at the expense of the employer or of the colony in consideration of the indenture under which he is serving may be claimed although above the age of twenty-one years and though bound for a less period or at an older age than is above specified

#### *Offences as to Enlistment*

*Penalty on  
unlawful  
recruiting.*

- 98 If a person without due authority—
  - (1) Publishes or causes to be published notices or advertisements for the purpose of procuring recruits for His Majesty's regular air force or in relation to recruits for such force or
  - (2) Opens or keeps any house place of rendezvous or office as connected with the recruiting of such force or
  - (3) Receives any person under any such advertisement aforesaid or
  - (4) Directly or indirectly interfere with the recruiting service of such force

he shall be liable on summary conviction to a fine not exceeding twenty pounds.

**99.** (1) If a person knowingly makes a false answer to any question contained in the attestation paper, which has been put to him by or by direction of the justice before whom he appears for the purpose of being attested, he shall be liable on summary conviction to be imprisoned with or without hard labour for any period not exceeding three months

(2) If a person guilty of an offence under this section has been attested as an airman of the regular air force, he shall be liable, at the discretion of the competent air-force authority, to be proceeded against before a court of summary jurisdiction, or to be tried by court-martial for the offence

#### *Miscellaneous as to Enlistment*

**100.** (1) Where a person after his attestation on his enlistment or the making of his declaration on re-engagement, has received pay as an airman of the regular air force during three months, he shall be deemed to have been duly attested and enlisted or duly re-engaged, as the case may be, and shall not be entitled to claim his discharge on the ground of any error or illegality in his enlistment, attestation, or re-engagement, or on any other ground whatsoever, save as authorised by this Act, and, if within the said three months such person claims his discharge, any such error or illegality or other ground shall not, until such person is discharged in pursuance of his claim, affect his position as an airman in His Majesty's service, or invalidate any proceedings, act, or thing taken or done prior to such discharge

(2) Where a person is in pay as an airman in any corps or unit of His Majesty's regular air force, such person shall be deemed for all the purposes of this Act to be an airman of the regular air force, with this qualification, that he may at any time claim his discharge, but until he so claims and is discharged in pursuance of that claim, he shall be subject to this Act as an airman of the regular air force legally enlisted and duly attested under this Act

(3) Where a person claims his discharge on the ground that he has not been attested or re-engaged, or not duly attested or re-engaged, his commanding officer shall forthwith forward such claim to the competent air-force authority, who shall as soon as practicable submit it to the Air Council, and if the claim appears well grounded the claimant shall be discharged with all convenient speed

**101** (1) Any act authorised or required by this part of this Act to be done by, to, or before the competent air-force authority, may be done by, to, or before the Air Council, or any officer prescribed in that behalf

(2) For the purposes of this part of this Act the expression "reserve" means the air-force reserve

## PART III

## BILLETING AND IMPRESSION OF CARRIAGES

*Billeting of Officers and Airmen*

Suspension of  
3 Chas. I c.  
1;  
31 Chas. 2  
c. 1 6 Anne  
(1) c. 14 as  
to billeting.

Obligation of  
constable to  
provide billets  
for officers  
airmen, and  
horses.

**102** During the continuance in force of this Act so much of any law as prohibits restricts or regulates the quartering or billeting of officers and soldiers on any inhabitant of this realm without his consent is hereby suspended so far as such quartering or billeting is authorised by this Act

**103 (1)** Every constable for the time being in charge at any place in the United Kingdom mentioned in the route issued to the commanding officer of any portion of His Majesty's regular air force shall on the demand of such commanding officer or of an officer or airman authorised by him and on production of such route billet on the occupiers of victualling houses and other premises specified in this Act as victualling houses in that place such number of officers airmen and horses entitled under this Act to be billeted as are mentioned in the route and stated to require quarters

**(2)** A route for the purposes of this part of this Act shall be issued under the authority of His Majesty signified through a Secretary of State and shall state the forces to be moved in pursuance of the route and that statement shall be signed by such officer as the Air Council may from time to time order in that behalf

**(3)** A route purporting to be issued and signed as required by this section shall be evidence until the contrary is proved of its having been duly issued and signed in pursuance of this Act and if delivered to an officer or airman by his commanding officer shall be a sufficient authority to such officer or airman to demand billets and when produced by an officer or airman to a constable, shall be conclusive evidence to such constable of the authority of the officer or airman producing the same to demand billets in accordance with such route

Liability to  
provide  
billets.  
10 Geo. 3 c.  
7

**104. (1)** The provisions of this part of this Act with respect to victualling houses shall extend to all inns or hotels (whether licensed or otherwise) livery stables or alehouses also to the houses of sellers of wine by retail whether British or foreign to be drunk in their own houses or places thereunto belonging and to all houses of persons selling brandy spirits strong waters cider, or metheglin by retail and the occupier of a victualling house inn hotel livery stable alehouse or any such house as aforesaid shall be subject to billets under this Act, and is in this Act included under the expression 'keeper of a victualling house' and the inn hotel house stables and premises of such occupier are in this Act included under the expression of 'victualling house'

(2) Provided that an officer or airman shall not be billeted—

- (a) In any private house, nor
- (b) In any canteen held or occupied under the authority of a Secretary of State, nor
- (c) On persons who keep taverns only, being vintners of the City of London admitted to their freedom of the said company in right of patrimony or apprenticeship, notwithstanding the persons who keep such taverns have taken out licenses for the sale of any intoxicating liquor, nor
- (d) In the house of any distiller kept for distilling brandy and strong waters, so as such distiller does not permit tippling in such house, nor
- (e) In the house of any shopkeeper whose principal dealing is more in other goods and merchandise than in brandy and strong waters, so as such shopkeeper does not permit tippling in such house, nor
- (f) In a house of a person licensed only to sell beer or cider not to be consumed on the premises, nor
- (g) In the house of residence of any foreign consul duly accredited as such

**105.** (1) All officers and airmen of His Majesty's regular air force; Officers, airmen, and horses entitled to be billeted, and

- (2) All horses belonging to His Majesty's regular air force, and
- (3) All horses belonging to the officers of such force for which forage is for the time being allowed by His Majesty's regulations,

shall be entitled to be billeted

**106.** (1) The keeper of a victualling house upon whom any officer, airman, or horse is billeted shall receive such officer, airman, or horse in his victualling house, and furnish there the accommodation following, that is to say, lodging and attendance for the officer, and lodging, attendance, and food for the airman, and stable room and forage for the horse, in accordance with the provisions of the Second Schedule to this Act

(2) Where the keeper of a victualling house on whom any officer, airman, or horse is billeted desires, by reason of his want of accommodation or of his victualling house being full or otherwise, to be relieved from the liability to receive such officer, airman, or horse in his victualling house, and provides for such officer, airman, or horse in the immediate neighbourhood such good and sufficient accommodation as he is required by this Act to provide, and as is approved by the constable issuing the billets, he shall be relieved from providing the same in his victualling house

(3) There shall be paid to the keeper of a victualling house for the accommodation furnished by him in pursuance of this Act the prices for the time being authorised in this behalf by Parliament as respects the Army

(4) An officer or airman demanding billets in pursuance of this Act shall before he departs and if he remains longer than four days at least once in every four days, pay the just demands of every keeper of a victualling house on whom he and any officers and airmen under his command and his or their horses (if any) have been billeted

(5) If by reason of a sudden order to march or otherwise an officer or airman is not able to make such payment to any keeper of a victualling house as is above required he shall before he departs make up with such keeper of a victualling house an account of the amount due to him, and sign the same, and forthwith transmit the account so signed to the Air Council who shall forthwith cause the amount named in such account as due to be paid

*Annual list of  
keepers of  
victualling  
houses liable  
to billets.*

107 (1) The police authority for any place may cause annually a list to be made out of all keepers of victualling houses within the meaning of this Act in such place or any particular part thereof liable to billets under this Act specifying the situation and character of each victualling house and the number of airmen and horses who may be billeted on the keeper thereof

(2) The police authority shall cause such list to be kept at some convenient place open for inspection at all reasonable times by persons interested and any person who feels aggrieved either by being entered in such list or by being entered to receive an undue proportion of officers airmen or horses may complain to a court of summary jurisdiction and the court after such notice as the court think necessary to persons interested may order the list to be amended in such manner as the court may think just

*Regulations  
as to grant  
of billets.*

108 The following regulations shall be observed with respect to billeting in pursuance of this Act that is to say —

(1) No more billets shall at any time be ordered than those are effective officers airmen and horses present to be billeted

(2) All billets when made out by the constable, shall be delivered into the hands of the commanding officer or non-commissioned officer who demanded the billets or of some officer authorised by such commanding officer

(3) If a keeper of a victualling house feels aggrieved by having an undue proportion of officers airmen or horses billeted on him he may apply to a justice of the peace or if the billets have been made out by a justice may complain to a court of summary jurisdiction, and the justice or court may

order such of the officers, airmen, or horses to be removed and to be billeted elsewhere as may seem just

- (4) A constable having authority in a place mentioned in the route may act for the purposes of billeting in any locality within one mile from such place, unless some constable ordinarily having authority in such locality is present and undertakes to billet therein the due proportion of officers, airmen, and horses
- (5) The regulations with respect to billets contained in the Second Schedule to this Act shall be duly observed by the constable
- (6) A justice of the peace on the request of an officer or non-commissioned officer authorised to demand billets, may vary a route by adding any place or omitting any place, and also may direct billets to be given above one mile from a place mentioned in the route
- (7) A justice of the peace may require a constable to give an account in writing of the number of officers, airmen, and horses billeted by such constable, together with the names of the keepers of victualling houses on whom such officers, airmen, and horses are billeted, and the locality of such victualling houses

**108A.** (1) His Majesty by Order distinctly stating that a case of ~~Billeting in cases of emergency~~ exists, and signified by a Secretary of State, and also in Ireland the Lord Lieutenant by a like Order, signified by the Chief Secretary or Under-Secretary, may authorise any officer not below the rank of squadron leader commanding any part of His Majesty's air force in any district or place in the United Kingdom, to issue a billeting requisition under this section

(2) Any officer so authorised may issue a billeting requisition under his hand reciting the said Order and requiring chief officers of police to provide billets in such places and for such number of officers and airmen, and their horses, and for such period, as may be specified in the requisition

(3) The provisions of this Act as to billeting shall apply to billeting under such a requisition as if for references therein to a route there were substituted references to such a requisition, subject, however, to the following modifications

- (a) The occupiers of all public buildings, dwelling-houses, warehouses, barns, and stables shall, as well as the keepers of victualling houses, be liable to billets, and the said provisions shall apply as if references to victualling houses and the keepers of victualling houses included references to

such public buildings dwelling houses warehouses barns and stables and the occupiers thereof

- (b) The powers and duties conferred or imposed on constables shall be exercised and performed by the chief officers of police and accordingly for references to constables in the said provisions there shall be substituted references to the chief officers of police and for the reference to a justice of the peace in sub-section (7) of section one hundred and eight there shall be substituted a reference to a court of summary jurisdiction but a chief officer of police in selecting the persons required to provide billets and in determining the number of officers and airmen to be billeted on any person shall so far as practicable have regard to the convenience of the several occupiers and shall act in accordance with any general instructions which may have been issued by the police authority
- (c) The prices to be paid to an occupier other than the keeper of a victualling house for accommodation furnished and food and fodder supplied by him shall be such as may be fixed by regulations made by the Air Council with the consent of the Treasury
- (d) Sub-section (2) of section one hundred and three (which defines a route) paragraph (6) of section one hundred and eight (which relates to the power of a justice to vary a route) and so much of paragraph (2) of Part I of the Second Schedule to this Act as limits the period during which meals are required to be furnished and paragraph (2) of Part II of that Schedule (which requires billets to be made out to the less distant victualling houses) shall not apply
- (e) Any regulations as to prices so made shall be laid before each House of Parliament as soon as may be after they are made and if within forty days after they have been so laid either House presents an address to His Majesty praying that any such regulations may be annulled His Majesty may thereupon by Order in Council annul the same and the regulation so annulled shall thenceforth become void without prejudice to anything done therunder in the meantime

(5) For the purposes of this section—

The expression "public building" includes any building wholly or partially provided or maintained out of the rates and any building to which the public habitually have access, whether on payment or otherwise.

The expression "chief officer of police"

- (a) In respect of the city of London means the Commissioner of City Police and elsewhere in England has the same meaning as in the Police Act 1890

54 Vict., (b) In Scotland has the same meaning as in the Police (Scotland) Act, 1890;

(c) As respects the police district of Dublin metropolis, means the Chief Commissioner of Police for that district, and elsewhere means a county inspector of the Royal Irish Constabulary

In the case of unoccupied premises this section shall apply as if the owner were the occupier thereof.

(6) Compensation shall be paid by the Air Council out of money voted by Parliament for air-force services in respect of any damage caused by any officer or airmen billeted under this section to the premises in which he is billeted, and the amount of such compensation shall in the event of disagreement be determined—

3 Vict., (a) In England by arbitration under the Arbitration Act, 1889;

5 Vict., (b) In Scotland in the same manner as a question of disputed compensation under sub-section (10) of section twenty-five of the Local Government (Scotland) Act, 1891,

1 Vict., (c) In Ireland by arbitration under the Common Law Procedure Amendment Act (Ireland), 1856, as amended by any subsequent enactment

5, c 6 (7) The provisions of this Act as to billeting shall, whilst any Order of His Majesty under this section is in force, apply to women who are enrolled for employment by the Air Council as they apply to airmen; and for the purpose of those provisions as so applied officers of any body of the Air Force with whom the women to be billeted are employed, and the officer commanding that body, shall be deemed in relation to such women to be their officers and commanding officer, and if any such woman is guilty of an offence in relation to billeting mentioned in section thirty of this Act, she shall be punishable on summary conviction in manner provided by sub-section (2) of section one hundred and eleven of this Act

#### *Offences in relation to Billeting*

109. If a constable commits any of the offences following, that is Offences by constables to say,—

- (1) Billets any officer, airmen, or horse, on any person not liable to billets without the consent of such person, or
- (2) Receives, demands, or agrees for any money or reward whatsoever to excuse or relieve a person from being entered in a list as liable, or from his liability to billets, or from any part of such liability, or
- (3) Billets or quarters on any person or premises, without the consent of such person or the occupier of such premises, any person or horse not entitled to be billeted; or

(4) Neglects or refuses after sufficient notice is given to give billets demanded for any officer airman or horse entitled to be billeted

he shall on summary conviction be liable to a fine of not less than forty shillings and not exceeding ten pounds

**110** If a keeper of a victualling house commits any of the offences following that is to say

- (1) Refuses or neglects to receive any officer airman, or horse billeted upon him in pursuance of this Act or to furnish such accommodation as is required by this Act or
- (2) Gives or agrees to give any money or reward to a constable to excuse or relieve him from being entered in a list as liable or from his liability to billets or any part of such liability or
- (3) Gives or agrees to give any officer or airman billeted upon him in pursuance of this Act any money or reward in lieu of receiving an officer airman or horse or furnishing the said accommodation

he shall on summary conviction be liable to a fine of not less than forty shillings and not exceeding five pounds

**111.** (1) If any officer quarters or causes to be billeted any officer, airman or horse otherwise than is allowed by this Act upon any person, he shall be guilty of a misdemeanour

(2) If any officer or airman commits any offence in relation to billeting for which he is liable to be punished under Part One of this Act other than an offence in respect of which any other remedy is given by this part of this Act to the person aggrieved he shall upon summary conviction, be liable to a fine not exceeding fifty pounds

(3) A certificate of a conviction for an offence under this section shall be transmitted by the court making such conviction to the Air Council

#### *Impression of Carriages etc*

Supply of  
carriages, &c.  
for regiments  
baggage and  
stores on the  
march.

**112.** (1) Every justice of the peace in the United Kingdom having jurisdiction in any place mentioned in a route issued to the commanding officer of any portion of His Majesty's regular air force shall, on the demand of such commanding officer or of an officer or non-commissioned officer authorised by him and on production of such route issue his warrant requiring some constable or constables having authority in such place to provide within a reasonable time to be named in the warrant such carriages animals and drivers as are stated to be required for the purpose of moving the service baggage and service stores of the force mentioned in the route in accordance with the route and the constable

or constables shall execute such warrant, and persons having carriages and animals suitable for the said purpose shall, when ordered by a constable in pursuance of such warrant, furnish the same in a state fit for use for the aforesaid purpose

(2) The route for the purpose of this section shall be such route as is mentioned in the foregoing provisions of this part of this Act with respect to billeting

(3) A route purporting to be issued and signed as required by those provisions, if delivered to an officer or non-commissioned officer by his commanding officer, shall be a sufficient authority to such officer or non-commissioned officer to demand carriages and animals in pursuance of this Act, and when produced by an officer or non-commissioned officer shall be conclusive evidence to a justice and constable of the authority of the officer or non-commissioned officer producing the same to demand carriages and animals in accordance with such route

(4) The warrant ordering carriages, animals and drivers to be provided shall specify the number and description of the carriages, and also the places from and to which the same are to travel, and the distances between such places

(5) When sufficient carriages or animals cannot be procured within the jurisdiction of the said justice, any justice having jurisdiction in the next adjoining place shall by a like course of proceeding, supply the deficiency.

5, c. (6) A fee of one shilling and no more shall be paid for the warrant by the officer or non-commissioned officer applying for the same and shall be paid to the clerk of the justice.

5, c. (7) Where a carriage has one or more alternative bodies the carriage may be demanded with any one or more bodies, and where a carriage is used for haulage the carriage may be demanded with or without the vehicles ordinarily hauled.

**113.** (1) There shall be paid in respect of carriages and animals furnished in pursuance of the foregoing section of this Act the rates of payment commonly recognised or generally prevailing in the district at the time of impressment, and if any difference arises respecting the amount payable, the amount shall be such as may be fixed by a certificate of a county court judge having jurisdiction in any place in which the carriage or animal was furnished or through which it travelled

(2) For the purposes of fixing such amount the provisions set out in the Sixth Schedule to this Act shall have effect

(3) Where a sum has been paid or tendered by or on behalf of the Army Council under this section, that sum shall be deemed to be the amount due unless within three weeks of the date of the payment or tender an application is made to a county court judge for a certificate

or formal notification is made to the Army Council that application for the certificate of a county court judge will be made in the event of a settlement not otherwise being arrived at. If such formal notification is made the three weeks mentioned in this paragraph shall not be deemed to have commenced to run until the Army Council notifies the claimant that no further payment will be made beyond the amount tendered, except under a certificate of a county court judge.

When formal notification is made to the Army Council the sum already tendered may be accepted without prejudice to the right of applying to the county court judge.

(4) The possessor of any carriage or animal at the time of impressment shall be deemed to be the owner for the purposes of the procedure of impressment where it is not otherwise declared at the time and payment made to the possessor shall be deemed to be payment to the owner. In the event of the property being vested in another person or persons the possessor shall notify all others interested in the property and adjust the amount received in due proportion. In the event of any difference arising the amounts shall be apportioned on a certificate of a county court judge as aforesaid.

(5) The officer or non-commissioned officer who demands carriages or animals in pursuance of this part of this Act shall pay the sums due in respect of the same to the owners or drivers of the carriages or animals, and one-third part of such payment shall in each case if required, be made before the carriage is loaded and such payments shall be made if required in the presence of a justice or constable.

(6) If an officer or non-commissioned officer is from any cause unable to pay the amount due to the owner or driver of any carriage or animal he shall make up with such owner or driver and sign an account of the amount due to him and forthwith transmit the account so signed to the Air Council who shall forthwith cause the amount named therein to be paid to such owner or driver.

Annual list of  
persons liable  
to supply  
carriages,  
animals and  
aircraft.

114. (1) The authority hereinafter mentioned for any place may cause annually a list to be made out of all persons in such place or any particular part thereof liable to furnish carriages and animals and aircraft under this Act and of the number and description of the carriages and animals and aircraft of such persons and where a list is so made any justice may by warrant require any constable or constables having authority within such place to give from time to time on demand by an officer or non-commissioned officer under this Act orders to furnish carriages and animals and such warrant shall be executed as if it were a special warrant issued in pursuance of this Act on such demand and the orders shall specify the like particulars as such special warrant:

Provided that if in any year a list of carriages and animals is made out under section one hundred and fourteen of the Army Act a list of

carriages and animals shall not be made out under this section, but the list so made out shall have effect as if it had been made out under this section as well as under the said section of the Army Act.

(1a) For the purpose of assisting the authority hereinafter mentioned in the preparation of such list as aforesaid, any proper officer authorised in that behalf by the authority shall be entitled at all reasonable times to enter any premises in which he has reason to believe that any carriages or animals or aircraft are kept, and to inspect any carriages or animals or aircraft which may be found therein.

In this provision the expression "proper officer" means any officer or person of such rank, class, or description as may be specified in an order of the Air Council made for the purpose.

(1b) With respect to horses, the following provisions shall have effect—

- (i) it shall be the duty of the owner of any horse, and the occupier of any premises where horses are kept, to furnish, if so required, to the authority hereinafter mentioned before such date in each year as may be prescribed a return specifying the number of horses belonging to him or kept on his premises, and giving with respect to every horse such details as may be so prescribed, he shall also afford all reasonable facilities for enabling any horse belonging to him or kept on his premises to be inspected and examined as and when required by the said authority, if any person fails to comply with any of the requirements of this paragraph, he shall be liable on summary conviction for each offence to a fine not exceeding fifty pounds,
- (ii) the Air Council may, for the purposes of this sub-section, make regulations prescribing anything which under this sub-section is to be prescribed, and prescribing the forms to be used, and generally for the purpose of carrying this sub-section into effect,
- (iii) regulations made by the Air Council may provide for excepting from the provisions of this sub-section horses of any class or description specified in the regulations.

(2) The authority hereinafter mentioned shall cause such list to be kept at some convenient place open for inspection at all reasonable times by persons interested, and any person who feels aggrieved either by being entered in such list, or by being entered to furnish any number or description of carriages or animals which he is not liable to furnish, may complain to a court of summary jurisdiction, and the court, after such notice as the court think necessary to persons interested, may order the list to be amended in such manner as the court may think just.

(3) All orders given by constables for furnishing carriages and animals shall, as far as possible, be made from such list in regular rotation.

(3a) If any officer is obstructed in the exercise of his powers under this section a justice of the peace may if satisfied by information on oath that the officer has been so obstructed issue a search warrant authorising the constable named therein accompanied by the officer to enter the premises in respect of which the obstruction took place at any time between six o'clock in the morning and nine o'clock in the evening and to inspect any carriages or animals that may be found therein.

(4) The authority for the purposes of this section shall be the Air Council or any authority or persons to whom the Air Council may delegate their powers under this section.

Supply of  
carriages,  
vessels, &c.  
in case of  
emergency  
10 Geo. 5.  
o 7

115 (1) His Majesty by order distinctly stating that a case of emergency exists and signified by a Secretary of State and also in Ireland the Lord Lieutenant by a like order signified by the Chief Secretary or Under Secretary may authorise any officer not below the rank of squadron leader commanding His Majesty's regular air force in any district or place in the United Kingdom to issue a requisition under this section (hereinafter referred to as a requisition of emergency)

(2) The officer so authorised may issue a requisition of emergency under his hand reciting the said order and requiring justices of the peace to issue their warrants for the provision for the purpose mentioned in the requisition of such carriages and animals as may be provided under the foregoing provisions and also of carriages of every description and of horses of every description whether kept for saddle or draught and also of vessels (whether boats barges or other) used for the transport of any commodities whatsoever upon any canal or navigable river and also of aircraft of every description and also of food forage and stores of every description.

(3) A justice of the peace on demand by an officer of the portion of His Majesty's forces mentioned in a requisition of emergency or by an officer of the Air Council authorised in this behalf and on production of the requisition shall issue his warrant for the provision of such carriages animals vessels aircraft food forage and stores as are stated by the officer producing the requisition of emergency to be required for the purpose mentioned in the requisition the warrant shall be executed in the like manner and all the provisions of this Act as to the provision or furnishing of carriages and animals including those respecting fines on officers non-commissioned officers justices constables or owners of carriages or animals shall apply in like manner as in the case where a justice issues in pursuance of the foregoing provisions of this Act a warrant for the provision of carriages and animals and shall apply to vessels aircraft food forage and stores in like manner in all respects as they apply to carriages.

(3a) A requisition of emergency may authorise any officer mentioned therein to require any carriages and horses furnished in pursuance

of this section to be delivered at such place (not being more than one hundred miles in the case of a motor car or other locomotive, and not being more than ten miles in the case of any other carriage or horse, from the premises of the owner) and at such time as may be specified by any officer mentioned in the requisition, and in such case it shall be the duty of a constable executing a warrant issued by a justice of the peace under this section upon the demand of an officer producing the requisition of emergency to insert in his order such time and place for delivery of any vehicle or horse to which the order relates as may be specified by such officer, and the obligation of owners to furnish carriages and horses shall include an obligation to deliver the carriages and horses at such place and time as may be specified in such order, notwithstanding that a receipt may be given by the officer mentioned in the warrant at the time of impressment and the provisions of this Act shall have effect as if references therein to the furnishing of carriages and horses included, as respects any such carriage or horse as aforesaid, delivery at such time and place as aforesaid.

The carriages or horses mentioned in the order shall not be deemed to have been furnished until proper delivery has been made to the place and at the time stated in the order.

(2) The sum to be paid for any article shall be deemed to have been tendered when a formal receipt for the article setting forth the amount is handed to the owner or his representative but the property in a carriage or animal impressed shall be vested in the owner until such time as the carriage or animal has been duly furnished at the place and time stipulated.

Where a sum has been paid or tendered by or on behalf of the Air Council under this sub-section, that sum shall be deemed to be the amount due, unless, within three weeks from the date of payment or tender, an application is made to a county court judge for his certificate.

(3) Canal, river, or lock tolls are hereby declared not to be demandable for vessels while employed in any service in pursuance of this section or returning therefrom. And any toll collector who demands or receives toll in contravention of this exemption shall, on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings.

(4) A requisition of emergency, purported to be issued in pursuance of this section and to be signed by an officer therein stated to be authorised in accordance with this section, shall be evidence, until the contrary is proved, of its being duly issued and signed in pursuance of this Act, and if delivered to an officer of His Majesty's forces or of the Air Council shall be a sufficient authority to such officer to demand carriages, animals, vessels, aircraft, food, forage and stores in pursuance of this section, and when produced by such officer shall be conclusive evidence to a justice and constable of the authority of such officer to make such

(3a) If any officer is obstructed in the exercise of his powers under this section a justice of the peace may if satisfied by information on oath that the officer has been so obstructed issue a search warrant authorising the constable named therein accompanied by the officer to enter the premises in respect of which the obstruction took place at any time between six o'clock in the morning and nine o'clock in the evening and to inspect any carriages or animals that may be found therein.

(4) The authority for the purposes of this section shall be the Air Council or any authority or persons to whom the Air Council may delegate their powers under this section.

**115** (1) His Majesty by order distinctly stating that a case of emergency exists and signified by a Secretary of State and also in Ireland the Lord Lieutenant by a like order signified by the Chief Secretary or Under Secretary may authorise any officer not below the rank of squadron leader commanding His Majesty's regular air force in any district or place in the United Kingdom to issue a requisition under this section (hereinafter referred to as a requisition of emergency)

(2) The officer so authorised may issue a requisition of emergency under his hand reciting the said order and requiring justices of the peace to issue their warrants for the provision for the purpose mentioned in the requisition of such carriages and animals as may be provided under the foregoing provisions and also of carriages of every description and of horses of every description whether kept for saddle or draught and also of vessels (whether boats barges or other) used for the transport of any commodities whatsoever upon any canal or navigable river, and also of aircraft of every description and also of food, forage, and stores of every description.

(3) A justice of the peace, on demand by an officer of the portion of His Majesty's forces mentioned in a requisition of emergency or by an officer of the Air Council authorised in this behalf and on production of the requisition shall issue his warrant for the provision of such carriages animals vessels aircraft food forage and stores as are stated by the officer producing the requisition of emergency to be required for the purpose mentioned in the requisition the warrant shall be executed in the like manner and all the provisions of this act as to the provision or furnishing of carriages and animals including those respecting fines on officers non-commissioned officers justices constables or owners of carriages or animals shall apply in like manner as in the case where a justice issues in pursuance of the foregoing provisions of this act a warrant for the provision of carriages and animals and shall apply to vessels aircraft food forage and stores in like manner in all respects as they apply to carriages.

(3a) A requisition of emergency may authorise any officer mentioned therein to require any carriages and horses furnished in pursuance

Supply of  
carriages,  
vessels, &c.,  
in case of  
emergency  
10 Geo. 5.  
o 7

Geo 5,  
25.

of this section to be delivered at such place (not being more than one hundred miles in the case of a motor car or other locomotive, and not being more than ten miles in the case of any other carriage or horse, from the premises of the owner) and at such time as may be specified by any officer mentioned in the requisition, and in such case it shall be the duty of a constable executing a warrant issued by a justice of the peace under this section upon the demand of an officer producing the requisition of emergency to insert in his order such time and place for delivery of any vehicle or horse to which the order relates as may be specified by such officer, and the obligation of owners to furnish carriages and horses shall include an obligation to deliver the carriages and horses at such place and time as may be specified in such order, notwithstanding that a receipt may be given by the officer mentioned in the warrant at the time of impressment and the provisions of this Act shall have effect as if references therein to the furnishing of carriages and horses included, as respects any such carriage or horse as aforesaid, delivery at such time and place as aforesaid.

The carriages or horses mentioned in the order shall not be deemed to have been furnished until proper delivery has been made to the place and at the time stated in the order

5,

(4) The sum to be paid for any article shall be deemed to have been tendered when a formal receipt for the article setting forth the amount is handed to the owner or his representative but the property in a carriage or animal impressed shall be vested in the owner until such time as the carriage or animal has been duly furnished at the place and time stipulated.

Where a sum has been paid or tendered by or on behalf of the Air Council under this sub-section, that sum shall be deemed to be the amount due, unless, within three weeks from the date of payment or tender, an application is made to a county court judge for his certificate.

(5) Canal, river, or lock tolls are hereby declared not to be demandable for vessels while employed in any service in pursuance of this section or returning therefrom. And any toll collector who demands or receives toll in contravention of this exemption shall, on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings.

(6) A requisition of emergency, purported to be issued in pursuance of this section and to be signed by an officer therein stated to be authorised in accordance with this section, shall be evidence, until the contrary is proved, of its being duly issued and signed in pursuance of this Act, and if delivered to an officer of His Majesty's forces or of the Air Council shall be a sufficient authority to such officer to demand carriages, animals, vessels, aircraft, food, forage and stores in pursuance of this section, and when produced by such officer shall be conclusive evidence to a justice and constable of the authority of such officer to make such

demand in accordance with such requisition and it shall be lawful to convey on such carriages animals vessels and aircraft not only the baggage provisions and stores of the body of the air force mentioned in the requisition of emergency but also the officers airmen servants, women children and other persons of and belonging to the same

(7) Whenever a proclamation ordering the air force reserve to be called out on permanent service is in force the order of His Majesty authorising an officer to issue a requisition of emergency may authorise him to extend such requisition to the provision of carriages animals vessels aircraft food forage and stores for the purpose of being purchased as well as of being hired on behalf of the Crown

(8) Where a justice on demand by an officer and on production of a requisition of emergency has issued his warrant for the provision of any articles and any person ordered in pursuance of such warrant to furnish any such article refuses or neglects to furnish the same according to the order then if a proclamation ordering the air force reserve to be called out on permanent service is in force the said officer may seize (and if need be by force) the article requisitioned and may use the same in like manner as if it had been furnished in pursuance of the order but the said person shall be entitled to payment for the same in like manner as if he had duly furnished the same according to the order

(9) The Air Council may by regulations under the Territorial and Reserve Forces Act 1907 assign to county associations established under that Act the duty of furnishing in accordance with the directions of the Air Council such carriages animals vessels aircraft food forage and stores as may be required on mobilisation for the regular or auxiliary air force or any part thereof and where such regulations are made an officer of a county association shall have the same powers as are by this section conferred on an officer of the Air Council

(10) A requisition of emergency issued under this section may prohibit during such period as may be specified in the requisition, the sale and purchase of horses or carriages or aircraft to or by any person other than a person appointed by the Air Council to purchase horses or carriages or aircraft and if any person sells or purchases, or is concerned in the sale or purchase of a horse or carriage or aircraft in contravention of such prohibition he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and fine

*Offences in relation to the Impressionment of Carriages etc*

118 Any constable who—

(1) Neglects or refuses to execute any warrant of a justice requiring him to provide carriages animals vessels aircraft food forage or stores or

- (2) Receives, demands, or agrees for any money or reward whatsoever to excuse or relieve any person from being entered in a list as liable to furnish, or from being required to furnish, or from furnishing any such article, or
- (3) Orders any such article to be furnished for any person or purpose or on any occasion for and on which it is not required by this Act to be furnished,

shall, on summary conviction, be liable to a fine of not less than twenty shillings nor more than twenty pounds

**117.** A person ordered by any constable in pursuance of this Act to furnish any article who—

- (1) Refuses or neglects to furnish the same according to the orders of such constable and this Act, or
- (2) Gives or agrees to give to a constable or to any officer or non-commissioned officer any money or reward whatsoever to be excused from being entered in a list as liable to furnish, or from being required to furnish, or from furnishing, or in lieu of furnishing, any article in pursuance of this Act, or
- (3) Does any act or thing by which the execution of any warrant or order for providing or furnishing any article is hindered,

shall, on summary conviction, be liable to pay a fine of not less than forty shillings nor more than ten pounds

**118.** (1) Any officer or airman who commits any offence in relation to the impressment of carriages for which he is liable to be punished under Part One of this Act, other than an offence in respect of which any other remedy is given by this part of this Act to the person aggrieved, shall, on summary conviction, be liable to a fine not exceeding fifty pounds nor less than forty shillings

(2) A certificate of a conviction for an offence under this section shall be transmitted by the court making such conviction to the Air Council

#### *Supplemental Provisions as to Billeting and Impression of Carriages*

**119.** (1) The following persons, that is to say,—

- (a) If any officer or airman fails to comply with the provisions of this part of this Act with respect to the payment of a sum due to a keeper of a victualling house or in respect of carriages or animals, or to the making up of an account of the sum due, the person to whom the sum is due, or

Application  
court of sum-  
mary juris-  
diction respect-  
ing sums du-  
to keepers of  
victualling  
houses or  
owners of  
carriages, etc

- \* (b) If a keeper of a victualling house suffers any ill treatment by violence extortion or making disturbance in hillets from any officer or airman billeted upon him or if the owner of any article or the person in charge of any carriage animal, vessel or aircraft furnished in pursuance of this part of this Act suffers any ill treatment from any officer or airman the person suffering such ill treatment but, when there is an officer commanding such officer or airman present at the place only after first making due complaint if practicable to such commanding officer

may apply to a court of summary jurisdiction and such court if satisfied on oath of such failure or such ill treatment and of the amount fairly due to the applicant including the costs of his application to the court of summary jurisdiction shall certify the same to the Air Council who shall forthwith cause the amount due to be paid

(2) Provided that the Air Council, if it appear to them that the amount named in such certificate is not justly due or is in excess of the amount justly due may direct a complaint to be made to a court of summary jurisdiction for the county borough or place for which the court giving the certificate acted, and the court after hearing the case may by order confirm the said certificate, or vary it in such manner as to the court seems just

*Provisions as  
to constables,  
police autho-  
rities, and  
justices.*

120 (1) A constable shall observe the directions given to him for the due execution of this part of this Act by the police authority and the police authority or any member thereof and every justice of the peace may if it seem necessary and in the absence of a constable shall, themselves or himself exercise the powers and perform the duties by this part of this Act vested in or imposed on a constable, and in such case every such person is in this part of this Act included in the expression constable

(2) A person having or executing any air force office or commission in any part of the United Kingdom shall not directly or indirectly be concerned as a justice or constable in the billeting of or appointing quarters for any officer or airman or horse of the corps or unit, or part of a corps or unit under his immediate command and all warrants acts and things made done and appointed by such person for or concerning the same shall be void

*Fraudulent  
claims for  
carriages,  
animals, &c.*

121 If any person—

- (1) Forges or counterfeits any route or requisition of emergency, or knowingly produces to a justice or constable any route or requisition of emergency so forged or counterfeited or
- (2) Personates or represents himself to be an officer or airman authorised to demand any billet, or any carriage, animal,

vessel, aircraft, food, forage or stores, or to be entitled to be billeted, or to have his horse billeted, or personates or represents himself to be a person authorised to act in the purchase or hire, for the purposes of His Majesty's air-force service, of any carriage, animal, vessel, aircraft, food, forage or stores, or

(3) Produces to a justice or constable a route or requisition which he is not authorised to produce, or a document falsely purporting to be a route or requisition,

he shall be liable, on summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or to a fine not less than twenty shillings and not more than five pounds

#### PART IV

#### GENERAL PROVISIONS

##### *Supplemental Provisions as to Courts-martial*

**122.** (1) His Majesty may, subject to the provisions of this Act, by Royal warrant required for convening and confirming general courts-martial, convene or authorise any qualified officer to convene a general court-martial for the trial under this Act of any person subject to this Act, and

- (a) Convene or authorise any qualified officer to convene a general court-martial for the trial under this Act of any person subject to this Act, and
- (b) Give a general authority to any qualified officer to convene general courts-martial for the trial, under this Act, of such persons subject to this Act as may for the time being be under or within the limits of his command; and
- (c) Empower any qualified officer to delegate to any officer under his command, not below the rank of squadron leader, a general authority to convene general courts-martial for the trial, under this Act, of such persons subject to this Act, as are for the time being under or within the limits of his command, and
- (d) Reserve for confirmation by His Majesty, or empower any qualified officer to confirm, the findings and sentences of general courts-martial, and
- (e) Empower any officer for the time being authorised to confirm the findings and sentences of general courts-martial to reserve for confirmation findings or sentences of general courts-martial, or to delegate a power of confirming such

findings or sentences to any officer under his command not below the rank of squadron leader and

(f) Revoke any warrant for the time being in force or any part of any warrant leaving the remainder in full force

10 Geo. 5 c. 7

Provided that where it appears to His Majesty that in any place of the United Kingdom where no squadron leader is for the time being in command hardship would be inflicted on persons accused of offences by reason of there being no means of speedily trying such persons for offences a warrant under this section may empower an officer to delegate to an officer not below the rank of flight lieutenant any authority and power authorised under this section to be delegated to a squadron leader

(2) The same officer may or may not be appointed convening and confirming officer

(3) The power of convening general courts-martial and of confirming the findings and sentences of general courts-martial or either of such powers may be granted subject to such restrictions reservations exceptions and conditions as to His Majesty may seem meet and when delegated by any officer empowered in that behalf may subject to the provisions of any warrant granting him such power be delegated subject to such restrictions reservations exceptions and conditions as to such officer may seem fit

(4) Warrants under this section may be addressed to officers by name or by designation of their offices or partly in one way and partly in the other and any warrant may or may not according to the terms of such warrant and the mode in which the same is addressed be limited to an officer named or be extended to a person for the time being performing the duties of the office named or be extended to the successors in command of an officer

(5) Any warrant of His Majesty issued in pursuance of this section shall be of the same force as if the provisions thereof were enacted by this Act

(6) Qualified officer for the purposes of this Act in so far as it relate to convening or confirming the findings and sentences of general courts-martial means any officer not below the rank of squadron leader commanding for the time being any body of the regular air force either within or without His Majesty's dominions it also includes the Lord Lieutenant of Ireland the Governor General of India and a Governor of any colony on whom the command of any part of His Majesty's forces may be conferred by His Majesty it also includes in the case of a body of the air force when serving beyond the seas the officer not below the rank of squadron leader or corresponding rank commanding that body

10 Geo. 5 c. 7

13 Geo. 5 c. 2

or the command within which they are serving, whether such officer is an officer of the air force, army, or navy

**123.** (1) Any officer or person authorised to convene general courts-martial may—

- (a) Convene a district court-martial for the trial under this Act of any person under his command who is subject to this Act, and
- (b) Empower any person under his command not below the rank of flight lieutenant to convene a district court-martial for the trial under this Act of any person under the command of such last-mentioned officer who is subject to this Act, and
- (c) Confirm the finding and sentence of any district court-martial, or empower any officer whom he has power to authorise to convene district courts-martial to confirm the finding and sentence of any district court-martial

(2) The same officer may or may not be appointed convening and confirming officer under this section

(3) The power of convening, and of confirming the findings and sentences of, district courts-martial, or either of such powers, may be granted under this section, subject to such restrictions, reservations, exceptions, and conditions as to the officer granting such power may seem meet

(4) Any authority under this section for convening district courts-martial may be addressed to an officer by name or by designation of his office, or partly in one way and partly in the other, and may, or may not, according to the terms thereof and the mode in which the same is addressed, be limited to an officer named, or be extended to a person holding for the time being or performing the duties of the office, or be extended to the successors in command of such officer

**124.** Any person tried by a court-martial shall be entitled, on demand, at any time in the case of a general court-martial within seven years, and in the case of any other court-martial within three years, after the confirmation of the finding and sentence of the court or after his acquittal, to obtain from the officer or person having the custody of proceedings of such court a copy thereof, including the proceedings with respect to the revision and confirmation thereof, upon payment for the same at the prescribed rate, not exceeding two pence for every folio of seventy-two words, and for the purposes of this section the proceedings of courts-martial shall be preserved in the prescribed manner

Provided that, when any person tried by court-martial dies within the above mentioned periods of seven or three years, his next-of-kin

shall within a period of twelve months after his death have the same right to obtain a copy of the proceedings

*Summoning  
and privilege  
of witness  
at court-  
martial.*

125 (1) Every person required to give evidence before a court-martial may be summoned or ordered to attend in the prescribed manner

(2) Every person attending in pursuance of such summons or order as a witness before any court-martial shall during his necessary attendance in or on such court and in going to and returning from the same have the same privilege from arrest as he would have if he were a witness before a superior court of civil jurisdiction

(3) For the purposes of this and the next succeeding section, the expression a court-martial shall be deemed to include an officer taking a written summary of evidence in accordance with rules of procedure made under this Act and references to the president or members of a court-martial shall be construed as including references to such officer

*Misconduct of  
civilian at  
court-martial.* 126 (1) Where any person who is not subject to this Act commits any of the following offences that is to say

(a) On being duly summoned as a witness before a court martial and after payment or tender of the reasonable expenses of his attendance makes default in attending or

(b) Being in attendance as a witness—

(i) Refuses to take an oath legally required by a court-martial to be taken or

(ii) Refuses to produce any document in his power or control legally required by a court martial to be produced by him or

(iii) Refuses to answer any question to which a court martial may legally require an answer,

the president of the court martial may certify the offence of such person under his hand to any court of law in the part of His Majesty's dominions where the offence is committed which has power to punish witnesses if guilty of like offences in that court and that court may thereupon inquire into such alleged offence and after examination of any witnesses that may be produced against or for the person so accused and after hearing any statement that may be offered in defence if it seem just, punish such witness in like manner as if he had committed such offence in a proceeding in that court.

(2) Where a person not subject to this Act when examined on oath or solemn declaration before a court martial wilfully gives false evidence he shall be liable on indictment or information to be convicted of and punished for the offence of perjury, or the offence by whatever name

called in the part of His Majesty's dominions in which the offence is tried which, if committed in England, would be perjury

(3) Where a person not subject to this Act is guilty of any contempt towards a court-martial, by using insulting or threatening language, or by causing any interruption or disturbance in its proceedings, or by making observations or using words calculated to influence the members of or witnesses before such court, or to bring such court into disrepute, the president of the court-martial may certify the offence of such person, under his hand, to any court of law in the part of His Majesty's dominions where the offence is committed which has power to commit for contempt, and that court may thereupon inquire into such alleged offence, and after hearing any witnesses that may be produced against or on behalf of the person so accused, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of such person in like manner as if he had been guilty of contempt of that court

**127.** A court-martial under this Act shall not, as respects the conduct of its proceedings, or the reception or rejection of evidence, or as respects any other matter or thing whatsoever, be subject to the provisions of the Indian Evidence Act, 1872, or to any Act, law, or ordinance of any legislature whatsoever other than the Parliament of the United Kingdom

**128.** The rules of evidence to be adopted in proceedings before courts-martial shall be the same as those which are followed in civil courts in England, and no person shall be required to answer any question or to produce any document which he could not be required to answer or produce in similar proceedings before a civil court

**129.** Whereas it is expedient to make provision respecting the conduct of counsel when appearing on behalf of the prosecution or defence at courts-martial in pursuance of rules under this Act, be it therefore enacted as follows —

(1) Any conduct of a counsel which would be liable to censure, or a contempt of court, if it took place before His Majesty's High Court of Justice in England, shall likewise be deemed liable to censure, or a contempt of court, in the case of a court-martial, and the rules laid down for the practice of courts-martial and the guidance of counsel shall be binding on counsel appearing before such courts-martial, and any wilful disobedience of such rules shall be professional misconduct, and, if persevered in, be deemed a contempt of court

(2) Where a counsel is guilty of conduct liable to censure, or a contempt of court, such offence shall be deemed to be an

offence within the meaning of section one hundred and twenty six of this Act and the president of the court-martial may certify the same to a court of law accordingly and the court of law to which the same is certified shall deal with such offence in the same manner as if it had been committed in a proceeding before that court

(3) A court-martial may by order under the hand of the president, cause a counsel to be removed from the court who is guilty of such an offence as may in the opinion of the court martial require his removal from court but in every such case the president shall certify the offence committed to a court of law in manner provided by the above-mentioned section

~~revision in  
case of insane  
persons.~~

130 (1) Where it appears on the trial by court-martial of a person charged with an offence that such person is by reason of insanity unfit to take his trial the court shall find specially that fact and such person shall be kept in custody in the prescribed manner until the directions of His Majesty thereon are known or until any earlier time at which such person is fit to take his trial

(2) Where on the trial by court martial of a person charged with an offence it appears that such person committed the offence but that he was insane at the time of the commission thereof the court shall find specially the fact of his insanity and such person shall be kept in custody in the prescribed manner until the directions of His Majesty thereon are known

(3) In either of the above cases His Majesty may give orders for the safe custody of such person during his pleasure in such place and in such manner as His Majesty thinks fit

(4) A finding under this section shall be subject to confirmation in like manner as any other finding

(5) If a person imprisoned or undergoing detention by virtue of this Act becomes insane then without prejudice to any other provision for dealing with such insane person a Secretary of State in any case and in the case of a person confined in India the Governor General of India or the Governor of any presidency in which the person is confined and in the case of a person confined in a colony the Governor of that colony may upon a certificate of such insanity by two qualified medical practitioners order the removal of such person to an asylum or other proper place for the reception of insane persons in the United Kingdom India or the colony according as the person is confined in the United Kingdom India or the colony there to remain for the unexpired term of his imprisonment or detention and upon such person being

certified in the like manner to be again of sound mind, may order his removal to any prison or detention barrack in which he might have been confined if he had not become insane, there to undergo the remainder of such punishment.

Provided that this sub-section shall not apply to a person imprisoned in England

### *General Provisions as to Prisons and Detention Barracks*

**131.** (1) A Secretary of State may from time to time make arrangements with the Governor General of India or the Governor of a colony for the reception in any prison in India or in such colony of prisoners under this Act, and of deserters or absentees without leave from His Majesty's service, on payment of such sums as are provided by the arrangement, and the governor of any prison to which any such arrangement relates shall be under the same obligation as the governor of a prison in the United Kingdom to receive and detain such prisoners, deserters, and absentees without leave.

(2) Provided that where a person has been sentenced in India or in a colony to a term of imprisonment or detention exceeding twelve months or to a term of penal servitude, he shall be transferred as soon as practicable to a prison or detention barrack, or convict establishment within the United Kingdom, unless in the case of imprisonment or detention the court shall for special reasons otherwise order, there to undergo his sentence, or unless he belongs to a class with respect to which a Secretary of State has declared that, by reason of the climate or place of his birth or the place of his enlistment, or otherwise, it is not beneficial to the person to transfer him to the United Kingdom, every such declaration shall be laid before both Houses of Parliament

Notwithstanding anything in this Act, a Secretary of State may arrange with the governor of a colony that any person or class of persons enlisted in the colony shall, if sentenced under this Act to penal servitude, be transferred to or kept in the colony and there undergo his sentence in any prison or place in which persons sentenced to penal servitude by a civil court in the colony can for the time being be confined or, if there be no such prison or place, in an authorised prison as defined by section sixty-five of this Act

(3) Any order which can be made under this section by the court may be made by the confirming authority in confirming the finding and sentence, and in the case of any commutation or remission of sentence may be made by the authority commuting or remitting the sentence

**132.** (1) The governor of every prison in the United Kingdom, and the governor of every prison in India or a colony who is under the same

Duty of  
governor of  
prison to

receive  
prisoners,  
deserters,  
and absentees  
without  
leave.

obligation as the governor of a prison in the United Kingdom, shall receive and confine until discharged or delivered over in due course of law all prisoners sent to such prison in pursuance of this Act and every person delivered into his custody as a deserter or absentee without leave by any person conveying him under legal authority on production of the warrant of a court of summary jurisdiction on which such deserter or absentee without leave has been taken or committed or of some order from a Secretary of State or from the Governor General of India or the Governor of a colony which order shall continue in force until the deserter or absentee without leave has arrived at his destination.

(2) Every such governor shall also receive into his custody for a period not exceeding seven days any airman in air force custody upon delivery to him of a written order purporting to be signed by the commanding officer of such airman.

(3) The provisions of this section with respect to the governor of a prison in the United Kingdom shall apply to a person having charge of any police station or other place in which prisoners may legally be confined.

#### *Air force Prisons and Detention Barracks*

Establish  
ment and  
regulation of  
air force  
prisons.

133 (1) It shall be lawful for a Secretary of State and in India for the Governor General to set apart any building or part of a building under the control of the Secretary of State or Governor-General as an air force prison or detention barrack or as a public prison for the imprisonment of air force prisoners and to declare that any such building or part of a building shall be an air force prison or a detention barrack, or a public prison as the case may be, and every air force prison so declared shall be deemed to be a public prison within the meaning of the provisions of this Act relating to imprisonment and if such prison is in India shall be deemed to be an unauthorised prison and every building or part of a building set apart under the Army Act as a military prison or detention barrack shall unless the Secretary of State otherwise directs be deemed to be an air force prison or detention barrack within the meaning of this section.

(2) It shall be lawful for a Secretary of State and in India for the Governor General from time to time to make alter and repeal rules for the government management and regulation of air force prisons and detention barracks and for the appointment and removal and powers of inspectors visitors governors and officers thereof and for the labour of air force or other prisoners and airmen undergoing detention therein and for enabling such prisoners or airmen to earn by special industry and good conduct a remission of a portion of their sentence and for the safe custody of such prisoners or airmen and for the maintenance of discipline among them and for the punishment by personal

correction, restraint, or otherwise of offences committed by such prisoners or airmen, so, however, that such rules shall not authorise corporal punishment to be inflicted for any offence, nor render the imprisonment

<sup>40 & 41 Vict.</sup>, or detention more severe than it is under the law in force for the time  
<sup>c. 21.</sup>  
<sup>61 & 62 Vict.</sup>, being in any public prison in England, subject to the Prison Act, 1877,  
<sup>c. 41</sup>, and provided that all the regulations made under the Prison Act, 1898,  
<sup>50 & 51 Vict.</sup>, as to the duties of gaolers and medical officers and all regulations con-  
<sup>c. 71</sup>tained in the Coroners Act, 1887, as to the duties of coroners with respect  
to inquests in prisons and detention barracks, shall be contained in such  
rules, so far as the same can be made applicable

(3) On all occasions of death by violence or attended with suspicious circumstances in any air-force prison or detention barrack in India an inquest is to be held, to make inquiry into the cause of death. The commanding officer shall cause notice to be given to the nearest magistrate, duly authorised to hold inquests, and such magistrate shall hold an inquest into the cause of any such death, in the manner and with the powers provided in the case of similar inquiries held under the law for the time being in force in India for regulating criminal procedure.

(4) Where from any cause there is no competent civil authority available, the commanding officer shall convene a court of inquest. Such court shall be convened and shall hold the inquest in such manner as may be prescribed

<sup>& 29 Vict.</sup>, (5) Such rules may apply to such prisons and detention barracks  
<sup>3. 126</sup> any enactments of the Prison Act, 1865, imposing punishments on any persons not prisoners

(6) All rules made by a Secretary of State in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, as soon as practicable after the commencement of the then next session of Parliament

(7) In any country in which operations against the enemy are being conducted, the powers of a Secretary of State under this section with respect to air-force prisons and detention barracks shall be exercisable by the officer commanding-in-chief in the field, whether such officer is an air-force, military or naval officer, and shall include a power of declaring any place to be an air-force prison or a detention barracks, and the limitations on the power of making rules as to the punishment of prisoners and airmen undergoing detention and as to the severity of imprisonment and detention shall not apply. Provided that nothing in this sub-section, or in any rules made thereunder, shall authorise flogging or other corporal punishment to be inflicted for any offence

**134.** No airmen shall be confined longer than is absolutely necessary Restrictive  
in prisons, other than air-force prisons, in India and the colonies, where on confin-  
the rules for the government and management of such prisons differ sons in L

or colonies, from those made by the Governor General of India and a Secretary of State in the case of India and the colonies respectively

Classification of prisoners.

135 Whereas it is expedient that a clear difference should be made between the treatment of prisoners convicted of breaches of discipline and the treatment of prisoners convicted of offences of an immoral dishonest, shameful or criminal character or sentenced to be discharged from the air service with ignominy a Secretary of State shall from time to time make rules for the classification and treatment of such prisoners

### Pay

Authorised deductions only to be made from pay

136 The pay of an officer or airman of His Majesty's regular air force shall be paid without any deduction other than the deductions authorised by this or any other Act or by any Royal Warrant for the time being or by any law passed by the Governor-General of India in Council

Penal stoppages from ordinary pay of officers.

137 The following penal deductions may be made from the ordinary pay due to an officer of the regular air force —

- (1) All ordinary pay due to an officer who absents himself without leave or overstays the period for which leave of absence has been granted him unless a satisfactory explanation has been given through the commanding officer of such officer and has been approved by the Air Council
- (2) The sum required to make good such compensation for any expenses loss damage, or destruction occasioned by the commission of any offence as may be awarded by the court martial by whom he is convicted of such offence
- (3) The sum required to make good the pay of any officer or airman which he has unlawfully retained or unlawfully refused to pay
- (4) The sum required to make good any loss damage or destruction of public or regimental property which after due investigation appears to the Air Council or in the case of 13 Geo. 5, officers serving in India the Governor General to have been occasioned by any wrongful act or negligence on the part of the officer Provided that where deductions have been so made from the pay of an officer serving in India the case shall if he so require be reported to the Secretary of State for India in Council who may make such order thereon as he thinks fit

Penal stoppages from ordinary pay of airmen.

138 The following penal deductions may be made from the ordinary pay due to an airman of the regular air force —

- (1) All ordinary pay for every day of absence either on desertion 13 Geo. 5, or without leave, or as a prisoner of war and for every e. 23

day of penal servitude or imprisonment awarded by a civil court or court-martial, or, if he is on board one of His Majesty's ships, by the commanding officer of that ship, for every day of detention or field punishment awarded by a court-martial or by his commanding officer, and for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted by a civil court or court-martial, or on a charge of absence without leave for which he is afterwards awarded detention or field punishment by his commanding officer.

- (2) All ordinary pay for every day on which he is in hospital on account of sickness certified by the proper medical officer attending on him at the hospital to have been caused by an offence under this Act committed by him
- (3) The sum required to make good such compensation for any expenses, loss, damage, or destruction occasioned by the commission of any offence as may be awarded by the court-martial by whom he is convicted of such offence, or by the authority dealing summarily with a charge under section forty-seven of this Act, or if he is on board one of His Majesty's ships, by the commanding officer of that ship, or where he has confessed the offence and his trial is dispensed with by order under section seventy-three of this Act as may be awarded by that order or by any other order of a competent air-force authority under that section
- (4) The sum required to make good such compensation for any expenses caused by him, or for any loss of or damage or destruction done by him to any aircraft or any part thereof, or any arms, ammunition, aircraft material or any other equipment, clothing, instruments, or service necessaries or air-force decoration, or to any buildings or property, as may be awarded by his commanding officer, or by the authority dealing summarily with a charge under section forty-seven of this Act, or, in case he requires to be tried by a court-martial, by that court-martial, or if he is on board one of His Majesty's ships, by the commanding officer of that ship
- (4a) The share he is required to contribute as belonging to a unit towards compensation for barrack damage which after due investigation, to be held in the manner provided in the King's Regulations, appears to have been occasioned by the wilful act or negligence of a person or persons who cannot be identified, belonging to the unit, during the period while such unit was in occupation,

For the purposes of this paragraph, the expression "barrack damage" means damage to or loss or destruction of any premises in which airmen are quartered or billeted or any appurtenances fixtures, furniture or effects therein or appertaining thereto and the expression "unit" includes any part of a unit

- (5) Where an airman at the time of his enlistment belonged to any part of the auxiliary air force the sum required to make good any compensation for which at the time of his enlistment he was under stoppage of pay as a member of the auxiliary air force, and any sum which he is liable to pay by reason of his quitting the said part of the auxiliary air force upon his enlistment
- (6) Where an airman's liquor ration is stopped by his commanding officer on board any ship whether commissioned by His Majesty or not the sum equivalent to such ration whether previously drawn by the airman or not, not exceeding one penny a day for twenty eight days
- (7) The sum required to pay a fine awarded by a court-martial his commanding officer or a civil court and
- (8) The sum required to pay any sum ordered by the Air Council, or any officer deputed by them for the purpose to be paid as mentioned in this Act for the maintenance of his wife or child or of any bastard child or towards the cost of any relief given by way of loan to his wife or child

Provided that—

- (a) the total amount of deductions from the ordinary pay due to an airman in respect of the sums required to pay any compensation fine or sum awarded or ordered to be paid as aforesaid shall not exceed such sum as will leave to the airman after paying for his messing and washing, less than one penny a day and
- (b) a person shall not be subjected in respect of any compensation fine or sum awarded or ordered to be paid as aforesaid to any deductions greater than is sufficient to make good the expenses loss damage or destruction for which such compensation is awarded or to pay the said sum and
- (c) where an airman who is sentenced or ordered in respect of an offence to forfeit all ordinary pay is liable to any other penal deductions from pay, the sentence or order shall apply only to so much of his ordinary pay as remains after those other deductions have been made

**139.** Any deduction of pay authorised by this Act may be remitted in such manner and by such authority as may be from time to time provided by Royal Warrant, and subject to the provisions of any such warrant may be remitted by the Air Council

**140.** (1) Any sum authorised by this Act to be deducted from the ordinary pay of an officer or airman may, without prejudice to any other mode of recovering the same, be deducted from the ordinary pay or from any sums due to such officer or airman, in such manner, and when deducted or recovered may be appropriated in such manner, as may be from time to time directed by any regulation or order of the Air Council

(2) And any such regulation or order may from time to time declare what shall be deemed, for the purposes of the provisions of this Act relating to deductions from pay, to constitute a day of absence or a day of imprisonment or detention

So, however, that—

(a) no person shall be treated as absent, imprisoned, or detained, for the purposes aforesaid, unless the absence, imprisonment, or detention has lasted six hours or upwards, except where the absence prevented the absentee from fulfilling any air-force duty which was thereby thrown on some other person;

(b) a period of absence, imprisonment, or detention which commences before and ends after midnight may be reckoned as a day,

(c) the number of days shall be reckoned as from the time when the absence, imprisonment, or detention commences, and

(d) no period of less than twenty-four hours shall be reckoned as more than one day

(3) In cases of doubt as to the proper issue of pay or the proper deduction from pay due to any officer or airman, the pay may be withheld until His Majesty's order respecting it has been signified through a Secretary of State, which order shall be final

**141.** Every assignment of, and every charge on, and every agreement to assign or charge, any deferred pay, or air-force reward payable to any officer or airman of any of His Majesty's forces, or any pension, allowance, or relief payable to any such officer or airman, or his wife, widow, child, or other dependant, or to any person in respect of any air-force service, shall, except so far as the same is made in pursuance of a Royal Warrant for the benefit of the family of the person entitled thereto, or as may be authorised by any Act for the time being in force, be void

Punishment  
of false oath  
and persona-  
tion.

**142** (1) Where any regulations made by the Air Council or the Commissioners of His Majesty's Treasury with respect to the payment of any air force reward pension or allowance or any sum payable in respect of air force service or with respect to the payment of money or delivery of property in the possession of the air force authorities or with respect to the grant of any relief benefit or advantage in connection with air force service provide for proving whether on oath or by statutory declaration the identity of the recipient or any other matter in connexion with such payment delivery or grant such oath may be administered and declaration taken by the persons specified in the regulations and any person who in such oath or declaration wilfully makes any false statement shall be liable to the punishment of perjury <sup>8 Geo. 5, c. 6.</sup>

(2) Any person who falsely represents himself to any air force military naval or civil authority to belong to or to be a particular man in or who has been in the regular reserve or auxiliary air force shall <sup>8 Geo. 5, c. 6.</sup> be deemed to be guilty of peronation.

(3) Any person who is guilty of an offence under the False Personation Act 1874 in relation to any air force pay reward pension or <sup>37 & 38</sup> <sup>Vict., c. 36.</sup> allowance or to any sum payable in respect of air force service or to any money or property in the possession of the air force authorities or to any relief benefit or advantage granted in connexion with air force service or is guilty of peronation under this section shall be liable on summary conviction to imprisonment with or without hard labour for <sup>8 Geo. 5, c. 6.</sup> a term not exceeding three months or to a fine not exceeding twenty five pounds.

(4) Provided that nothing in this section shall prevent any person from being proceeded against and punished under any other enactment or at common law in respect of any offence so that he be not punished twice for the same offence.

#### *Exemptions of Officers and Lirmen*

Exemptions  
of officers and  
airmen from  
tolls.

**143** (1) All officers and airmen of His Majesty's regular air force on duty or on the march and

Their horses and boggage and

All prisoners under air force escort and

All carriages and horses belonging to His Majesty or employed in his air force service when conveying any such persons as above in this section mentioned or luggage or stores or returning from conveying the same

shall be exempted from payment of any duty or tolls on embarking or disembarking from or upon any pier wharf quay or landing place or in passing along or over any turnpike or other road or bridge, otherwise

demandable by virtue of any Act of Parliament already passed or hereafter to be passed, or by virtue of any Act, Ordinance, order, or direction of the legislature or other authority in India or any colony

Provided that nothing in this section shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels

(2) When any airmen have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may, at his option, pass over with his airmen as passengers, and shall pay for himself and each airman one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debailling others for that time and shall in all such cases pay only half the ordinary rate for such boat

(3) Any person who demands and receives any duty, toll, or rate in contravention of this section shall, on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings

**144** (1) An airman of His Majesty's regular air force shall not be liable to be taken out of His Majesty's service by any process, execution, or order of any court of law or otherwise, or to be compelled to appear in person before any court of law, except in respect of the following matters, or one of them, that is to say,

- (a) On account of a charge of or conviction for crime, or
- (b) On account of any debt, damages, or sum of money, when the amount exceeds thirty pounds over and above all costs of suit

(2) For the purposes of this section a crime shall mean a felony, misdemeanour, or other crime or offence punishable, according to the law in force in that part of His Majesty's dominions in which such airman is, with fine or imprisonment or some greater punishment, and shall not include the offence of a person absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting his contract

(3) For the purposes of this section a court of law shall be deemed to include a court of summary jurisdiction and any magistrate

(4) The amount of the debt, damages, or sum shall be proved for the purpose of any process issued before the court has adjudicated on the case by an affidavit of the person seeking to recover the same or of some one on his behalf, and such affidavit shall be sworn, without payment of any fee, in the manner in which affidavits are sworn in the court in which proceedings are taken for the recovery of the sum, and a memorandum of such affidavit shall, without fee, be indorsed upon any process or order issued against an airman

(5) All proceedings and documents in or incidental to a process, execution, or order in contravention of this section shall be void and where complaint is made by an airman or his commanding officer that such airman is dealt with in contravention of this section by any process, execution or order issued out of any court, and is made to that court or to any court superior to it, the court or some judge thereof shall examine into the complaint and shall, if necessary, discharge such airman without fee and may award reasonable costs to the complainant which may be recovered as if costs had been awarded in his favour in any action or other proceeding in such court.

Provided that—

- (1) Any person having cause of action or suit against an airman of the regular air force may notwithstanding anything in this section after due notice in writing given to the airman, or left at his last quarters proceed in such action or suit to judgment and have execution other than against the person pay arms ammunition equipments service necessities or clothing of such airman and
- (2) This section shall not prevent such proceedings with respect to apprentices and indentured labourers as is authorised by this Act.

**Liability of airmen to maintain wife and children.** 145 (1) An airman of the regular air force shall be liable to contribute to the maintenance of his wife and of his children and also to the maintenance of any bastard child of which he may be proved to be the father to the same extent as if he were not an airman but execution in respect of any such liability or of any order or decree in respect of such maintenance shall not issue against his person pay arms ammunition equipments instruments service necessities or clothing nor shall he be liable to be punished for the offence of deserting or neglecting to maintain his wife or family or any member thereof, or of leaving her or them chargeable to any union parish, or place.

(2) When any order or decree is made under any Act or of common law for payment by a man who is or subsequently becomes an airman of the regular air force either of the cost of the maintenance of his wife or child or of any bastard child of whom he is the putative father or of the cost of any relief given to his wife or child by way of loan a copy of such order or decree shall be sent to the Air Council or any officer deputed by them for the purpose and in the case—

- (a) Of such order or decree being so sent, or
- (b) Of it appearing to the satisfaction of the Air Council or any officer deputed by them for the purpose that an airman of the regular air force has deserted or left in destitute cir-

cumstances, without reasonable cause, his wife or any of his legitimate children under sixteen years of age,

the Air Council or officer shall order to be deducted from the daily pay of the airman, and to be appropriated in liquidation of the sum adjudged to be paid by such order or decree, or towards the maintenance of the wife or children of the airman, as the case may be, in such manner as the Air Council or officer think or thinks fit, a portion of such daily pay not exceeding—

Geo 5,  
9  
Geo. 5,  
3

where the airman is a warrant officer (Class I or Class II) not holding an honorary commission—in respect of a wife or children, whether legitimate or illegitimate, four shillings; and

where the airman is a non-commissioned officer who is not below the rank of sergeant—in respect of a wife or children, whether legitimate or illegitimate, three shillings, and  
in the case of any other airman—in respect of a wife or children, whether legitimate or illegitimate, two shillings

(3) Where a proceeding is instituted against an airman of the regular air-force under any Act, or at common law, for the purpose of enforcing against him any such liability as above in this section mentioned, then—

(a) if at the date of service of the process the airman is quartered out of the jurisdiction of the court, or (where the proceeding is before a court of summary jurisdiction), out of the petty sessional division in which the proceeding is instituted, the process shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, in the hands of the commanding officer, a sum of money (to be adjudged as costs incurred in obtaining the order or decree, if any order or decree is made against the airman) of a sufficient amount to enable him to attend the hearing of the case and return to his quarters, and such sum may be expended by the commanding officer for that purpose,

(b) in any other case the process may be served either on the commanding officer or on the airman, provided that where the process is served on the airman, a copy thereof shall be sent by the court by which it is issued to the commanding officer by registered post as soon as possible after the process is served, and in any case at least four days before the day fixed for the hearing of the case

Provided that no proceedings in this section mentioned shall be valid against an airman of the regular air force if his commanding officer certifies that the airman is under orders for service beyond the seas, and that in his opinion it will not be possible for the airman to attend the

hearing and return to his quarters in sufficient time to enable him to embark for such service. Every such certificate shall be sent to the court and shall be final and conclusive.

Where by an order or decree sent to the Air Council or officer in accordance with sub-section (2) of this section, the airman is adjudged to pay as costs incurred in obtaining the order or decree any sum left in the hands of the commanding officer under this sub-section, the Air Council may cause a sum equal to the sum so left to be paid in liquidation of the sum so adjudged to be paid as costs and the amount so paid by the Air Council shall be a public debt from the airman against whom the order or decree was made and without prejudice to any other method of recovery may be recovered by deductions from his daily pay, in addition to those mentioned in sub-section (2) of this section.

(4) Where any arrears have accumulated in respect of sums adjudged to be paid by any such order or decree as aforesaid whilst the person against whom the order or decree was made was serving as an airman of the regular air force whether or not deductions in respect thereof have been made from his pay under this section then after he has ceased so to serve an order of committal shall not be made in respect of those arrears unless the court is satisfied that he is able or has since he ceased so to serve been able to pay the arrears or any part thereof, and has failed to do so.

*Officers not  
to be sheriffs  
or mayors.*

146 An officer of the regular air force on the active list within the meaning of any Royal Warrant for regulating the pay and promotion of the regular air force shall not be capable of being nominated or elected to be sheriff of any county, borough or other place or to be mayor or alderman of or to hold any office in any municipal corporation in any city, borough or place in the United Kingdom. Provided that nothing in this section shall disqualify any officer for being elected to or being a member of a county council.

*Exemption  
from jury*

147 Every airman in His Majesty's regular air force shall be exempt from serving on any jury.

#### *Legal Penalties in Matters respecting Forces*

*Punishment  
for pretending  
to be a  
desertor*

152 Any person who falsely represents himself to any air force, military naval or civil authority to be a deserter from His Majesty's regular air force shall on summary conviction be sentenced to be imprisoned with or without hard labour for any period not exceeding three months.

*Punishment  
for inducing  
airmen to  
desert*

153 Any person who in the United Kingdom or elsewhere by any means whatsoever—

(1) Procures or persuades any officer or airman to desert or absent himself without leave or attempts to procure or per suade <sup>1 Geo. 3  
c. 11.</sup>

any officer or airman to desert or absent himself without leave; or

**(2)** Knowing that an officer or airman is about to desert or absent himself without leave, aids or assists him in deserting or absenting himself without leave, or

**(3)** Knowing any officer or airman to be a deserter or absentee without leave, conceals such officer or airman, or aids or assists him in concealing himself, or aids or assists in his rescue,

shall be liable, on summary conviction, to be imprisoned, with or without hard labour, for a term not exceeding six months.

**153A.** Any person who in the United Kingdom or elsewhere—

(a) wilfully obstructs, impedes, or otherwise interferes with any officer or airman, in the execution of his duties, or

(b) wilfully produces any disease or infirmity in, or maims or injures, any man whom he knows to be an airman with a view to enabling such man to avoid air-force service, or

(c) with the intent of enabling an airman to render himself, or induce the belief that he is, permanently or temporarily unfit for service, supplies to or for such airman any drug or preparation calculated or likely to render him or lead to the belief that he is permanently or temporarily unfit for service,

Penalty for  
interference  
with air force  
duties, &c

shall be liable, on summary conviction, to a term of imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine

**154.** With respect to deserters and absentees without leave the following provisions shall have effect —

(1) Upon reasonable suspicion that a person is a deserter or absentee without leave, it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or airman or other person, to apprehend such suspected person, and forthwith to bring him before a court of summary jurisdiction

(2) A justice of the peace, magistrate, or other person having authority to issue a warrant for the apprehension of a person charged with crime may, if satisfied by evidence on oath that a deserter or absentee without leave is or is reasonably suspected to be within his jurisdiction, issue a warrant authorising such deserter or absentee without leave to be apprehended and brought forthwith before a court of summary jurisdiction

hearing and return to his quarters in sufficient time to enable him to embark for such service Every such certificate shall be sent to the court and shall be final and conclusive

Where by an order or decree sent to the Air Council or officer in accordance with sub-section (2) of this section the airman is adjudged to pay as costs incurred in obtaining the order or decree any sum left in the hands of the commanding officer under this sub-section, the Air Council may cause a sum equal to the sum so left to be paid in liquidation of the sum so adjudged to be paid as costs, and the amount so paid by the Air Council shall be a public debt from the airman against whom the order or decree was made and without prejudice to any other method of recovery may be recovered by deductions from his daily pay, in addition to those mentioned in sub-section (2) of this section

(2) Where any arrears have accumulated in respect of sums 11 Geo. 5. adjudged to be paid by any such order or decree as aforesaid whilst the person against whom the order or decree was made was serving as an airman of the regular air force whether or not deductions in respect thereof have been made from his pay under this section, then after he has ceased so to serve an order of committal shall not be made in respect of those arrears unless the court is satisfied that he is able or has since he ceased so to serve been able to pay the arrears or any part thereof, and has failed to do so

*Officers not to be sheriffs or mayors.* 146 An officer of the regular air force on the active list within the meaning of any Royal Warrant for regulating the pay and promotion of the regular air force shall not be capable of being nominated or elected to be sheriff of any county borough or other place or to be mayor or alderman of or to hold any office in any municipal corporation in any city borough or place in the United Kingdom Provided that nothing in this section shall disqualify any officer for being elected to or being a member of a county council

147 Every airman in His Majesty's regular air force shall be exempt from serving on any jury

#### *Legal Penalties in Matters respecting Forces*

*Punishment for pretending to be a deserter*

152 Any person who falsely represents himself to any air force military naval or civil authority to be a deserter from His Majesty's regular air force shall on summary conviction be sentenced to be imprisoned with or without hard labour for any period not exceeding three months

*Punishment for inducing airmen to desert*

153 Any person who in the United Kingdom or elsewhere by any means whatsoever—

(1) Procures or persuades any officer or airman to desert or absent himself without leave or attempts to procure or persuade <sup>others</sup> <sub>to do so</sub>

any officer or airmen to desert or absent himself without leave, or

(2) Knowing that an officer or airmen is about to desert or absent himself without leave, aids or assists him in deserting or absenting himself without leave, or

(3) Knowing any officer or airmen to be a deserter or absentee without leave, conceals such officer or airmen, or aids or assists him in concealing himself, or aids or assists in his rescue,

shall be liable, on summary conviction, to be imprisoned, with or without hard labour, for a term not exceeding six months

**153A** Any person who in the United Kingdom or elsewhere—

Penalty for  
interference  
with air force-  
duties, &c

(a) wilfully obstructs, impedes, or otherwise interferes with any officer or airmen, in the execution of his duties, or

(b) wilfully produces any disease or infirmity in, or maims or injures, any man whom he knows to be an airmen with a view to enabling such man to avoid air-force service, or

(c) with the intent of enabling an airmen to render himself, or induce the belief that he is, permanently or temporarily unfit for service, supplies to or for such airmen any drug or preparation calculated or likely to render him or lead to the belief that he is permanently or temporarily unfit for service,

shall be liable, on summary conviction, to a term of imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine

**154.** With respect to deserters and absentees without leave the following provisions shall have effect —

Apprehension  
of deserters

(1) Upon reasonable suspicion that a person is a deserter or absentee without leave, it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or airmen or other person, to apprehend such suspected person, and forthwith to bring him before a court of summary jurisdiction

(2) A justice of the peace, magistrate, or other person having authority to issue a warrant for the apprehension of a person charged with crime may, if satisfied by evidence on oath that a deserter or absentee without leave is or is reasonably suspected to be within his jurisdiction, issue a warrant authorising such deserter or absentee without leave to be apprehended and brought forthwith before a court of summary jurisdiction

- (3) Where a person is brought before a court of summary jurisdiction charged with being a deserter or absentee without leave under this Act, such court may deal with the case in like manner as if such person were brought before the court charged with an indictable offence, or in Scotland an offence.
- (4) The court if satisfied either by evidence on oath or by the confession of such person that he is a deserter or absentee without leave shall forthwith as it may seem to the court most expedient with regard to his safe custody cause him either to be delivered into air force custody in such manner as the court may deem most expedient or, until he can be so delivered to be committed to some prison, police station or other place legally provided for the confinement of persons in custody for such reasonable time as appears to the court reasonably necessary for the purpose of delivering him into air force custody.
- (5) Where the person confessed himself to be a deserter or absentee without leave and evidence of the truth or falsehood of such confession is not then forthcoming, the court shall remand such person for the purpose of obtaining information as to the truth or falsehood of the said confession, and for that purpose the court shall transmit, if sitting in the United Kingdom to the Air Council or as they may direct and if in India to the air or other officer commanding the air force in the district or station where the court sits and if in a colony to the air or other officer commanding the air force in that colony, a return (in this Act referred to as a descriptive return) containing such particulars and being in such form as is specified in the Fourth Schedule to this Act or as may be from time to time directed by the Air Council.
- (6) The court may from time to time remand the said person for a period not exceeding eight days in each instance and not exceeding in the whole such period as appears to the court reasonably necessary for the purpose of obtaining the said information.
- (7) Where the court cause a person either to be delivered into air force custody or to be committed as a deserter or absentee without leave the court shall send if in the United Kingdom to the Air Council or as they may direct, and if in India or a colony to the air or other officer commanding as aforesaid a descriptive return in relation to such deserter or absentee without leave for which the clerk of the court shall be entitled to a fee of two shillings.

(8) The Air Council shall direct payment of the said fee.

(9) Where a person surrenders himself to a constable in the United Kingdom as being a deserter or absentee without leave, the officer of police in charge of the police station to which he is brought shall forthwith inquire into the case, and if it appears to him from the confession of that person that that person is a deserter or absentee without leave, he may cause him to be delivered into air-force custody without bringing him before a court of summary jurisdiction under this section, and in such case shall send to the Air Council or as they may direct a certificate signed by himself as to the fact, date, and place of such surrender.

**155.** Every person who negotiates, acts as agent for, or otherwise aids, or connives at—Penalty on trafficking in commissions.

- (1) The sale or purchase of any commission in His Majesty's regular air force; or
- (2) The giving or receiving of any valuable consideration in respect of any promotion in or retirement from such force, or any employment therein, or
- (3) Any exchange which is made in manner not authorised by regulations made in pursuance of the Regimental Exchanges Act, 1875, as applied to the air force, and in respect of which any sum of money or other consideration is given or received,

shall be liable on conviction on indictment or information to a fine of one hundred pounds, or to imprisonment for any period not exceeding six months, and if an officer, on conviction by court-martial, to be dismissed the service.

**156. (1)** Every person who—

- (a) Buys, exchanges, takes in pawn, detains, or receives from any person on any pretence whatsoever, or
- (b) Solicits or entices any person to sell, exchange, pawn, or give away, or
- (c) Assists or acts for any person in selling, exchanging, pawning, or making away with,

Penalty on purchasing from airmen necessaries, equipments, stores, &c

5,

5,

any of the property following namely, any arms, ammunition, equipments, instruments, service necessaries, or clothing issued for the use of officers or airmen, or any air-force naval or military decorations of an officer or airman, or any furniture, bedding, blankets, sheets, utensils, and stores in the charge of a unit of the air-force, or any provisions or forage issued for the use of an officer or airman, or his horse, or of any

horse employed in His Majesty's service, shall unless he proves either that he acted in ignorance of the same being such property as aforesaid or that the same was sold by order or with the consent of the Air Council or some competent air force authority or that the same was the personal property of an officer who had retired or ceased to be an officer or of an airman who had been discharged or of the legal personal representatives of an officer or airman who had died be liable <sup>9 Geo. 5, c. 11.</sup> on summary conviction to a fine not exceeding twenty pounds together with treble the value of any property of which such offender has become possessed by means of his offence or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment

(2) Where any such property as above in this section mentioned is found in the possession or keeping of any person such person may be taken or summoned before a court of summary jurisdiction, and if such court have reasonable ground to believe that the property so found was stolen or was bought exchanged taken in pawn obtained or received in contravention of this section then if such person does not satisfy the court that he came by the property so found lawfully and without any contravention of this Act he shall be liable on summary conviction to the same penalties as are prescribed in the case of a contravention of the last preceding subsection <sup>9 Geo. 5, c. 11.</sup>

(3) A person charged with an offence against this section and the wife or husband of such person may if he or she think fit be sworn and examined as an ordinary witness in the case

(4) A person found committing an offence against this section may be apprehended without warrant and taken together with the property which is the subject of the offence before a court of summary jurisdiction and any person to whom any such property as above mentioned is offered to be sold pawned or delivered who has reasonable cause to suppose that the same is offered in contravention of this section may and if he has the power shall apprehend the person offering such property and forthwith take him together with such property before a court of summary jurisdiction

(5) A court of summary jurisdiction if satisfied on oath that there is reasonable cause to suspect that any person has in his possession or on his premises any property on or with respect to which any offence in this section mentioned has been committed may grant a warrant to search for such property as in the case of stolen goods and any property found in such search shall be seized by the officer charged with the execution of such warrant who shall bring the person in whose possession the same is found before some court of summary jurisdiction to be dealt with according to law

(6) For the purposes of this section, property shall be deemed to be in the possession or keeping of a person if he knowingly has it in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same is so had for his own use or benefit, or for the use or benefit of another

<sup>& 39 Vict, 5</sup> (7) Articles which are public stores within the meaning of the Public Stores Act, 1875, and are not included in the foregoing description, shall not be deemed to be stores issued as regimental necessaries or otherwise within the meaning of section thirteen of that Act

(8) It shall be lawful for the Governor-General of India or for the legislature of any colony, on the recommendation of the Governor thereof, but not otherwise, by any law or ordinance to reduce a minimum fine under this section to such amount as may to such Governor-General or legislature appear to be better adapted to the pecuniary means of the inhabitants

(9) Every person who—

<sup>5, o 6</sup> (a) receives, detains, or has in his possession any identity certificate, life certificate, or other certificate, or official document evidencing or issued in connection with the right of any person to an air-force pension, pay or reserve pay, or to any bounty, allowance, gratuity, relief, benefit, or advantage granted in connection with military service, as a pledge or security for a debt, or with a view to obtain payment from the person entitled thereto of a debt due either to himself or to any other person, or

(b) without lawful authority or excuse (the proof whereof shall lie on the accused) has in his possession any such certificate or document, or any certificate of discharge or any other official document issued in connection with the mobilisation or demobilisation of any of His Majesty's forces or any member thereof,

shall be liable on summary conviction to the like penalty as for an offence under subsection (1) of this section, and any such certificate or other document shall be deemed to be property within the meaning of this section.

156A. If—

(a) any unauthorised person uses or wears any air-force decoration or medal, or medal ribbon, or any badge, wound stripe, or emblem supplied or authorised by the Air Council, or any decoration, medal, or medal ribbon, badge, wound stripe or emblem so nearly resembling the same as to be calculated to deceive, or

Unauthorised  
use of decorations, etc

- (b) any person falsely represents himself to be a person who is or has been entitled to use or wear any such decoration, medal, or medal ribbon, badge wound stripe or emblem as aforesaid or
- (c) any person without lawful authority or excuse supplies or offers to supply any such decoration or medal as aforesaid to any person not authorised to use or wear the same,

such person shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months.

Provided that nothing in this section shall be deemed to prohibit the wearing or supply of ordinary regimental badges or any brooch or ornament representing the same.

#### *Jurisdiction*

**Person not to be tried twice.** 157 Where a person subject to this Act has been acquitted or convicted of an offence by a court martial, he shall not be liable to be tried again by a court-martial in respect of that offence.

**Liability to Act in respect of status.** 158 (1) Where an offence under this Act has been committed by any person while subject to this Act such person may be taken into and kept in air force custody and tried and punished for such offence, although he or the corps or unit to which he belongs has ceased to be subject to this Act in like manner as he might have been taken into and kept in air force custody tried or punished if he or such corps or unit had continued so subject.

Provided that where a person has since the commission of an offence ceased to be subject to this Act he shall not be tried for such offence except in the case of the offence of mutiny, desertion or fraudulent enlistment unless his trial commences within three months after he has ceased to be subject to this Act but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court as well as by court martial and the limitation of time imposed by this proviso shall not apply in the case of a person who has been attached to or seconded for service with the air force and has ceased to be subject to this Act by reason only of the termination of such attachment or seconding.

(2) Where a person subject to this Act is sentenced by court martial to penal servitude imprisonment or detention, this Act shall apply to him during the term of his sentence notwithstanding that he is discharged or dismissed from His Majesty's service or has otherwise ceased to be subject to this Act and he may be kept removed imprisoned made to undergo detention and punished accordingly as if he continued to be subject to this Act.

**159.** Any person subject to this Act who within or without His Liability to Majesty's dominions commits any offence for which he is liable to be tried by court-martial, may be tried and punished for such offence at place of company place (either within or without His Majesty's dominions) which is mission of within the jurisdiction of an officer authorised to convene general courts-martial, and in which the offender may for the time being be, in the same manner as if the offence had been committed where the trial by court-martial takes place, and the offender were under the command of the officer convening such court-martial.

**160.** No person shall be subject to any punishment or penalties under Punishment the provisions of this Act other than those which could have been inflicted if he had been tried in the place where the offence was committed not increased by trial elsewhere than offence committed.

**161** A person shall not in pursuance of this Act be tried or punished for any offence triable by court-martial committed more than three years before the date at which his trial begins, except in the case of the offence of mutiny, desertion, or fraudulent enlistment, but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court, as well as by court-martial; and where an airman has served continuously in an exemplary manner for not less than three years in any corps or unit of His Majesty's regular air force he shall not be tried for any such offence of desertion (other than desertion on active service), or of fraudulent enlistment, as was committed before the commencement of such three years, but where such offence was fraudulent enlistment all service prior to such enlistment shall be forfeited. Provided that the Air Council may restore all or any part of the service forfeited under this section to any airman who may perform good or faithful service or may otherwise be deemed by the Air Council to merit such restoration of service.

**162.** (1) If a person sentenced by a court-martial in pursuance of this Act to punishment for an offence is afterwards tried by a civil court for the same offence, that court shall, in awarding punishment, have regard to the punishment under this Act he may have already undergone.

(2) Save as aforesaid, nothing in this Act shall exempt an officer or airman from being proceeded against by the ordinary course of law, when accused or convicted of any offence, except such an offence as is declared not to be a crime for the purpose of the provisions of this Act relating to taking an airman out of His Majesty's service.

(3) If an officer—

(a) Neglects or refuses on application to deliver over to the civil magistrate any officer or airman under his command, who is so accused or convicted as aforesaid, or

(b) Wilfully obstructs or neglects or refuses to assist constables or other ministers of justice in apprehending any such officer or airman

such commanding officer shall on conviction in any of His Majesty's superior courts in the United Kingdom or in a supreme court in India be guilty of a misdemeanor

(f) A certificate of a conviction of an officer under this section with the judgment of the court thereon in such form as may be directed by the Air Council shall be transmitted to the Air Council

(g) Any offence committed by any such commanding officer out of the United Kingdom shall for the purposes of the apprehension trial and punishment of the offender be deemed to have been committed within the jurisdiction of His Majesty's High Court of Justice in England and such court shall have jurisdiction as if the place where the offence was committed or the offender may for the time being be ware in England

(h) Where a person subject to this Act has been acquitted or convicted of an offence by a competent civil court he shall not be liable to be tried in respect of that offence under this Act

#### *Evidence*

Regulations  
as to evi-  
dence.

163 (I) The following enactments shall be made with respect to evidence in proceedings under this Act whether before a civil court or a court martial that is to say

(a) The attestation paper purporting to be signed by a person on his being attested as an airman or the declaration purporting to be made by any person upon his re-engagement in His Majesty's regular air force or upon any enrolment in any branch of His Majesty's service shall be evidence of such person having given the answers to questions which he is therein represented as having given

The enlistment of a person in His Majesty's service may be proved by the production of a copy of his attestation paper purporting to be certified to be a true copy by the officer having the custody of the attestation paper without proof of the handwriting of such officer or of his having the custody of the paper

b) A letter return or other document respecting the service of any person in or the discharge of any person from any portion of His Majesty's forces or respecting a person not having served in or belonged to any portion of His Majesty's forces if purporting to be signed by or on behalf of a Secretary of State or the Air Council or the

Army Council, or of the Commissioners of the Admiralty, or by the commanding officer of any portion of His Majesty's forces, or of any of His Majesty's ships, to which such person appears to have belonged, or alleges that he belongs or had belonged, shall be evidence of the facts stated in such letter, return, or other document.

- (c) Copies purporting to be printed by a Government printer of King's regulations, or regulations referred to in section one hundred and forty-two of this Act of royal warrants, of air force circulars or orders, and of rules made by His Majesty, or a Secretary of State or the Air Council, in pursuance of this Act, shall be evidence of such regulations, royal warrants, air-force circulars or orders, and rules.
- (d) An air-force list or gazette purporting to be published by authority, and either to be printed by a Government printer or to be issued, if in the United Kingdom, by His Majesty's Stationery Office, and if in India, by some office under the Governor-General of India, shall be evidence of the status and rank of the officers therein mentioned, and of any appointment held by such officers, and of the corps or unit or arm or branch of the service to which such officers belong.
- (e) Any warrants or orders made in pursuance of this Act by any air-force authority shall be deemed to be evidence of the matters and things therein directed to be stated by or in pursuance of this Act, and any copies of such warrants or orders purporting to be certified to be true copies by the officer therein alleged to be authorised by a Secretary of State or the Air Council to certify the same shall be admissible in evidence.
- (f) Where a record is made in one of the service books in pursuance of any Act or of the King's regulations, or otherwise in pursuance of air-force duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated.
- (g) A copy of any record in one of the said service books purporting to be certified to be a true copy by the officer having the custody of such book shall be evidence of such record.
- (h) A descriptive return within the meaning of this Act, purporting to be signed by a justice of the peace, shall be evidence of the matters therein stated.
- (i) Where the proceedings are proceedings against an officer or airman on a charge of being a deserter or absentee without

leave, and the officer or airman has surrendered himself into the custody of a provost marshal, assistant provost marshal, or other officer, or any portion of His Majesty's forces a certificate purporting to have been signed by such a. II provost marshal assistant provost marshal or other officer, or by the commanding officer of the portion of His Majesty's forces to whom the surrender was made, and stating the fact date, and place of such surrender shall be evidence of the matters so stated

- (k) Where the proceedings are proceedings against an officer or airman on a charge of being a deserter or absentee without leave and the officer or airman has been delivered into air-force custody by a police officer in charge of a police station in the United Kingdom, a certificate purporting to be signed by such police officer and stating the fact date, and place of the surrender of the officer or airman shall be evidence of the matters so stated.
- (l) Any document which would have been admissible in any proceeding under the Army Act by virtue of section one hundred and sixty three of that Act, shall in like manner s Geo. 5, and for the same purpose be admissible in evidence under this Act
- (m) Where an officer or soldier has been apprehended and on 15 Geo. 5 arrest taken to a police station in any place in any part of His Majesty's dominions or has on surrender been taken into custody at any such police station, then for the purpose of any proceedings against that officer or soldier, a certificate purporting to be signed by the police officer in charge of that police station, stating the fact, date, and place of arrest or surrender, shall be evidence of the matters so stated
- (n) For the purposes of this Act the expression "Government printer" means any printer to His Majesty and in India ooy Govern meat press

Evidence of  
civil con-  
viction or  
acquittal

184. Whoever any person subject to this Act has been tried by any civil court the clerk of such court or his deputy or other officer having the custody of the records of such court shall, if required by the commanding officer of such person or by any other officer transmit to him a certificate setting forth the offence for which the person was tried together with the judgment or order of the court thereon, or if he was acquitted the acquittal and shall be allowed for such certificate a fee of three shillings Any such certificate shall be sufficient evidence of the conviction and sentence or of the order of the court or of the acquittal of the prisoner, as the case may be

**165.** The original proceedings of a court-martial, purporting to be signed by the president thereof, and being in the custody of the officer having the lawful custody thereof, shall be deemed to be of such a public nature as to be admissible in evidence on their mere production from such custody; and any copy purporting to be certified by the officer having such custody as aforesaid, to be a true copy of such proceedings or of any part thereof, shall be admissible in evidence without proof of the signature of such officer, and a Secretary of State upon production of any such proceedings or certified copy, may, by warrant under his hand, authorise the offender appearing therefrom to have been convicted and sentenced to any punishment, to be imprisoned and otherwise dealt with in accordance with the sentence in the proceedings or certified copy mentioned

### *Summary and other Legal Proceedings*

**166.** (1) A court of summary jurisdiction having jurisdiction in the place where the offence was committed or in the place where the offender may for the time being be shall have jurisdiction over all offences triable in a civil court under this Act, except any such offence as is declared by this Act to be a misdemeanour, or to be punishable on indictment; and any offence within the jurisdiction of a court of summary jurisdiction may be prosecuted, and the fine and forfeiture in respect thereof may be recovered on summary conviction, in manner provided by the Summary Jurisdiction Acts

(2) Any proceedings taken before a court of summary jurisdiction in pursuance of this Act shall be taken in accordance with the Summary Jurisdiction Acts so far as applicable

(3) A court of summary jurisdiction imposing a fine in pursuance of this Act may, if it seem fit, order a portion of such fine not exceeding one half to be paid to the informer

(4) Where the maximum fine or imprisonment which a court of summary jurisdiction in England, when sitting in an occasional court-house, is authorised by law to impose is less than the minimum fine or imprisonment fixed by this Act, the court may impose the maximum fine or imprisonment which such court is authorised by law to impose, but if required by either party, shall adjourn the case to the next practical petty sessional court

(5) The court of summary jurisdiction in Ireland, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice and for the time being empowered

Evidence of  
conviction  
by court-  
martial

Prosecution  
of offences,  
and recovery  
and applica-  
tion of fines.

hy law to do alone any act authorised to be done by more than one justice of the peace

(6) Subject to the provisions of this Act with regard to the payment to the informer fines and other sums recovered before a court of summary jurisdiction in pursuance of this Act shall notwithstanding any thing contained in any other Act if recovered in England be paid into the Exchequer and if recovered in Ireland shall be applied in 14 & 15 Vic manner directed by the Fines Act (Ireland) 1851 and any Acts amending the same

Summary  
proceedings  
in Scotland.

**167** (1) In Scotland offences and fines which may be prosecuted and recovered on summary conviction may be prosecuted and recovered and proceedings under this Act may be taken at the instance of the procurator fiscal of the court or of any person in that behalf authorised by the Air Council or of any person authorised by this Act to complain

(2) All fines under this Act in default of payment and all orders made under this Act failing compliance may be enforced by imprisonment for a term to be specified in the order or conviction but not exceeding three months and the conviction and warrant may be in the form number three of Schedule K of the Summary Procedure Act, 1864

(3) All fines and other sums recovered under this Act before a court of summary jurisdiction subject to any payment made to the informer shall be paid to the King's and Lord Treasurer's Remembrancer, on behalf of His Majesty

(4) It shall be no objection to the competency of a person to give evidence as a witness in any prosecution for offences under this Act that such prosecution is brought at the instance of such person

(5) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction

(6) All jurisdictions powers and authorities necessary for the purposes of this Act are conferred on the sheriffs and their substitutes and on justices of the peace

(7) The court may make and may also from time to time alter or vary summary orders under this Act on petition by the procurator fiscal of the court or such person as aforesaid presented in common form

Summary  
proceedings  
in Isle of  
Man, Channel  
Islands,  
India and the  
Dominions.

**168** All offences under this Act which may be prosecuted and all fine under this Act which may be recovered on summary conviction, in the Isle of Man, Channel Islands, India and any colony in such dominions, of summary jurisdiction may be prosecuted and recovered and taken in the Isle of Man, Channel Islands, India and any colony in such court and in such manner as may be from time to time provided therein by law or if no express provision is made then in and before the courts

and in the manner in which the like offences and fines may be prosecuted and recovered and proceedings taken therein by law or as near thereto as circumstances admit

**169.** It shall be lawful for the Governor-General of India, and for the legislature of any colony, to provide by law for reducing any fine directed by this Act to be recovered on summary conviction to such amount as may appear to the Governor-General or legislature to be better adapted to the pecuniary means of the inhabitants, and also to declare the amount of the local currency which is to be deemed for the purposes of this Act to be equivalent to any sum of British currency mentioned in this Act

Power of  
Governor-  
General of  
India and  
legislature of  
colony as to  
fines

**170.** (1) Any action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof

Protection of  
persons act-  
ing under  
Act

(2) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment, but this provision shall not affect costs on any injunction in the action

(3) Every such action, and also every action against a member or minister of a court-martial in respect of a sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in one of His Majesty's superior courts in the United Kingdom (which courts shall have jurisdiction to try the same wherever the matter complained of occurred) or in a supreme court in India, or in any Colonial court of superior jurisdiction, provided the matter complained of occurred within the jurisdiction of such Indian or Colonial court respectively, and in no other court whatsoever

### *Miscellaneous*

**171.** Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any air-force office may be exercised by, or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service, or according to rules made under section seventy of this Act

Exercise of  
powers vest-  
ed in holder  
of office

Provisions as  
to warrants  
and orders of  
authority.

172 (1) Where any order is authorised by this Act to be made by the Air Council or by any air or other officer commanding, such order may be signified by an order instruction or letter under the hand of any officer authorised to issue orders on behalf of the Air Council or such air or other officer commanding and an order instruction, or letter purporting to be signed by any officer appearing therein to be so authorised shall be evidence of his being so authorised <sup>10 Geo. 5. c. 7</sup>

(2) The foregoing enactment of this section shall extend to any order or direction issued in pursuance of this Act in relation to an air force convict or air force prisoner or airman undergoing detention, and any such order or directions shall not be held void by reason of the death or removal from office of the officer signing or ordering the issue of the same or by reason of any defect in such order or directions if it be alleged in such order or directions that the convict or prisoner or airman has been convicted and there is a good and valid conviction to sustain the order or directions

(3) An order in any case if issued in the prescribed form shall be valid but an order deviating from the prescribed form if otherwise valid shall not be rendered invalid by reason only of such deviation

(4) Where any air force convict or air force prisoner or airman undergoing detention is for the time being in custody, whether air force or civil in any place or manner in which he might legally be kept in pursuance of this Act the custody of such convict or prisoner or airman shall not be deemed to be illegal only by reason of any informality or error in or as respects the order warrant or other document or the authority by or in pursuance whereof such convict or prisoner or airman was brought into or is detained in such custody, and any such order, warrant or document may be amended accordingly

(5) Where an air force convict or an air force prisoner, or an airman undergoing detention or a person who is subject to this Act and charged with an offence is a prisoner or airman in air force custody and for the purpose of conveyance by sea is delivered on board a ship to the person in command of the ship or to any other person on board the ship acting under the authority of the commander, the order of the air force authority which authorises the prisoner or airman to be conveyed by sea shall be a sufficient authority to such person and to the person for the time being in command of the ship to keep the said prisoner or airman in custody and convey him in accordance with the order and the prisoner or airman while so kept shall be deemed to be kept in air force custody

Furlough in  
case of sick  
men.

173 If any airman on furlough is detained by sickness or other casualty rendering necessary any extension of such furlough in any place and there is not any officer in the performance of air force duty of the rank of flight lieutenant or of higher rank, within convenient <sup>10 Geo. 5. c. 2. s. 7</sup>

distance of the place, any justice of the peace who is satisfied of such necessity may grant an extension of furlough for a period not exceeding one month; and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of such airman, if known, and if not, then to the Air Council. The airman may be recalled to duty by his commanding officer or other competent air-force authority, and the furlough shall not be deemed to be extended after such recall, but, save as aforesaid, the airman shall not in respect of the period of such extension of furlough, be liable to be treated as a deserter, or as absent without leave.

**174.** (1) When a person holds a canteen under the authority of a Secretary of State or the Admiralty, it shall be lawful for any two justices within their respective jurisdictions to grant, transfer, or renew any licence for the time being required to enable such person to obtain or hold any excise licence for the sale of any intoxicating liquor, without regard to the time of year, and without regard to the requirements as to notices, certificates, or otherwise, of any Acts for the time being in force affecting such licences, and excise licences may be granted to such persons accordingly.

(2) For the purposes of this section the expression licence includes any licence or certificate for the time being required by law to be granted, renewed, or transferred by any justices of the peace, in order to enable any person to obtain or hold any excise licence for the sale of any intoxicating liquor.

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7 Viot.,*

**174A.** Notwithstanding anything in the Disorderly Houses Act, 1751, or in any similar enactment contained in any other Act, whether public, general, or local or personal, or in the Theatres Act, 1843, where a recreation room is managed or conducted under the authority of a Secretary of State or the Admiralty, it may be used for public dancing, music, or other public entertainment of the like kind or for the public performance of stage plays, without any licence in pursuance of those Acts, or either of them.

## PART V

### APPLICATION OF THIS ACT, SAVING PROVISIONS, AND DEFINITIONS

#### *Persons subject to Act*

**175** The persons in this section mentioned are persons subject to this Act as officers, and this Act shall apply accordingly to all the persons so specified, that is to say,

(1) Officers of the regular air force on the active list, within the meaning of any Royal Warrant for regulating the pay

and promotion of the regular air force, and officers not on such active list who are employed on air force service under the orders of an officer of the regular air force who is subject to this Act

- (1a) Any officer of the naval or military forces of the Crown who is attached or lent to or seconded for service with the air force subject however to the modifications contained in this Act and with this exception that if the members of the body of the air force with which any such naval officer is serving are themselves subject to the Naval Discipline Act he shall remain subject to that Act
- (2) Officers who are members of the permanent staff of the auxiliary air force and are not otherwise subject to this Act
- (3a) Officers of the auxiliary air force other than members of the permanent staff if on the active list at all times and if on the auxiliary air force reserve at any time when they are doing duty with any body of the air force for the time being subject to air force law or are ordered on any duty or service for which as such reserve officers they are liable
- (4) All such persons not otherwise subject to this Act as may be serving in the position of officers of any air force or portion of an air force raised by order of His Majesty beyond the limits of the United Kingdom and of India and serving under the command of an officer of the regular air force  
Provided that nothing in this Act shall affect the application to such persons of any Act passed by the legislature of a colony
- (7) Every person not otherwise subject to this Act who under the general or special orders of the Air Council or of the Governor General of India occupies in an official capacity equivalent to that of officer His Majesty's air force on active service in any place
- (8) Any person not otherwise subject to this Act accompanying any part of the air force on active service who shall hold from the commanding officer of such part a pass revocable at the pleasure of such commanding officer entitling such person to be treated on the footing of an officer
- (10) Any reserve officer within the meaning of the Royal Warrant regulating the composition of the reserve of air force officers
- (11) All officers belonging to no air force raised in India or a colony when attached to or doing duty with any portion of the regular reserve or auxiliary air force in the United Kingdom

(12) All officers of a force raised in India or a colony to which this Act is, in whole or in part, applied by the law of India or the colony, at such times and subject to such adaptations, modifications, and exceptions as may be specified in such law.

**176.** The persons in this section mentioned are persons subject to Persons subject to Act as this Act as airmen, and this Act shall apply accordingly to all the airmen persons so specified, that is to say,

(1) All airmen of the regular air force

(1a) All petty officers, non-commissioned officers, and seamen and soldiers of the naval or military forces of the Crown who are attached or lent to the air force, subject, however, to the modifications contained in this Act, and with this exception, that if the members of the body of the air force with which any such petty officer or seaman of the naval forces is serving are themselves subject to the Naval Discipline Act, he shall remain subject to that Act

(2) All non-commissioned officers and men of the permanent staff of the auxiliary air force who are not otherwise subject to this Act

(3) All non-commissioned officers and men serving in a force raised by order of His Majesty beyond the limits of the United Kingdom and of India, and serving under the command of an officer of the regular air force

Provided that nothing in this Act shall affect the application to such non-commissioned officers and men of any Act passed by the legislature of a colony

(4) All pensioners not otherwise subject to this Act who are employed in air-force service under the orders of an officer of the regular air force

(5) All non-commissioned officers and men belonging to the air force reserve—

(a) When called out for training and exercise, and

(c) When called out on permanent service, and

(d) When employed in air-force service under the orders of an officer of the regular air force:

(6a) All non-commissioned officers and men belonging to the auxiliary air force—

(a) When they are being trained or exercised either alone or with any portion of the regular air force or otherwise, and

(b) When attached to or otherwise acting as part of or with any regular air force, and

(c) When embodied and

(d) When called out for actual air force service, for purposes of defence in pursuance of any agreement

- (8a) All non-commissioned officers and men belonging to a force raised in India or a colony when attached to or otherwise acting as part of or with any portion of the regular, reserve, or auxiliary air force in the United Kingdom
- (9) All persons who are employed by or are in the service of any part of His Majesty's air force when employed on active service, and who are not under the former provisions of this Act subject to this Act
- (10) All persons not otherwise subject to this Act who are followers of or accompany His Majesty's air force or any portion thereof when employed on active service
- (11) All non-commissioned officers and men belonging to a force raised in India or a colony to which this Act is in whole or in part applied by the law of India or the colony, at such time and subject to such adaptations modifications, and exceptions as may be specified in such law

Persons belonging to colonial forces and subject to Act as officers or airmen.

**177** Where any air force is raised in India or in a colony, any law of India or the colony may extend to the officers non-commissioned officers and men belonging to such force, whether within or without the limits of India or the colony, and any such law may apply, in relation to such force and to any officers, non-commissioned officers, and men thereof, all or any of the provisions of this Act, subject to such adaptations modifications and exceptions as may be specified in such law and where so applied this Act shall have effect in relation to such force subject to such adaptations modifications, and exceptions as aforesaid, and where any such force is serving with part of His Majesty's regular air force, then so far as the law of India or the colony has not provided for the government and discipline of such force this Act and any other Act for the time being amending the same shall subject to such exemptions and modifications as may be specified in the general orders of the air officer commanding the part of His Majesty's air force with which such force is serving apply to the officers non-commissioned officers and men of such force in like manner as they apply to the officers non-commissioned officers and men of the regular air force.

This section shall not apply to any officer belonging to any such force when attached to or doing duty with or to any non-commissioned officer or man belonging to any such force when attached to or other

wise acting as part of or with, any portion of the regular reserve, or auxiliary air force in the United Kingdom

**178.** When officers, non-commissioned officers, and men belonging to the auxiliary air force, or any pensioners, are subject to this Act, and when non-commissioned officers and men belonging to the air force <sup>Mutual relations of regular forces and auxiliary forces</sup> reserve are subject to this Act, otherwise than when called out on permanent service, such officers, non-commissioned officers, men and pensioners shall be subject to this Act in all respects as if they were part of the regular air force, and the provisions of this Act shall be construed as if such officers, non-commissioned officers, men and pensioners were included in the expression "regular air force". Provided that nothing in this section contained shall affect the conditions of service of any officer, non-commissioned officer, or man belonging to such auxiliary or reserve forces, or of any pensioner

**179.** Officers and airmen of the air force during the time they are borne on the books of any of His Majesty's ships in commission (unless made subject to this Act as hereinafter provided) shall be subject to the Naval Discipline Act and to the laws for the government of the officers and seamen in His Majesty's Navy, and the rules for the discipline of His Majesty's Navy, for the time being, and shall be tried and punished for any offence in the same manner as officers and seamen in His Majesty's Navy

Provided that—

- (a) this provision shall not prevent the application of this Act to any person dealing with or having any relations with any such officer or airman, or to any such officer or airman if found on shore as a deserter or absentee without leave,
- (b) if any such officer or airman is employed on land the senior naval officer present may, if it seems to him expedient, order that he shall during such employment be subject to this Act, and while such order is in force he shall be subject to this Act accordingly,
- (c) if any such officer or airman commits an offence for which he is not amenable to a naval court-martial but for which he can be punished under this Act, he may be tried and punished for such offence under this Act

**179A.** (1) The Air Council may direct from time to time that any officers or airmen of the regular air force shall, under such conditions as may be prescribed by regulations made by the Air Council and the Army Council, be temporarily attached to a military force

<sup>Geo 5, c 6</sup> (2) Where an officer, petty officer, or seaman of the naval forces when not subject to the Naval Discipline Act, or an officer, non-commissioned officer, or soldier of the military forces, is attached, or lent to,

<sup>Application of Naval Discipline Act to air force serving on commissioned ships</sup>

<sup>Modification of Act with respect to sailors and soldiers attached to air force</sup>

or seconded for service with the regular air force this Act shall apply to him subject to the following modifications —

- (a) A general court-martial for the trial of any such naval officer, petty officer or seaman shall not be convened except by the Admiralty or by an officer authorised by a warrant from the Admiralty in pursuance of this section,
- (b) A district court martial for the trial of any such petty officer, <sup>or Gea. 5.</sup> or seaman may be convened by any officer having authority <sup>c. II.</sup> to convene a district court-martial for the trial of an airman of the regular air force
- (c) Any power in relation to the convening of courts-martial or of authorising an officer to convene courts-martial, or to delegate the powers of convening courts-martial, or of confirming the findings and sentences of courts-martial, or otherwise in relation to courts-martial which under this Act His Majesty may exercise by any warrant or warrants may as respects any such officer petty officer, or seaman of the naval forces be exercised in His Majesty's name by a warrant or warrants from the Admiralty, and any such warrant may be addressed to any officer to whom any warrant of His Majesty can be addressed
- (d) The findings and sentences of any general court martial for the trial of any such officer petty officer non-commissioned officer seaman or soldier may be confirmed in the case of an officer petty officer or seaman of the naval forces, by the Admiralty or by any officer authorised by a warrant from the Admiralty in pursuance of this section and in the case of an officer non-commissioned officer or soldier of the military forces by His Majesty or by an officer <sup>or Gea. 5.</sup> authorised to confirm the findings and sentences of general <sup>c. II.</sup> courts-martial under the Army Act and not otherwise except that when such officer petty officer non-commissioned officer seaman or soldier while subject to this Act is serving beyond the seas with any body of the air force and in the opinion of the air or other officer commanding that body (such opinion to be stated in the confirmation and to be conclusive) there is not present any other officer <sup>or Gea. 5.</sup> authorised to confirm the findings and sentences of general <sup>c. 7.</sup> courts-martial under a warrant from the Admiralty issued in pursuance of this section or under the Army Act as the case may be the findings and sentences may be confirmed by an air or other officer authorised to confirm the findings and sentences of general court-martial under this Act,

(e) Anything required or authorised by this Act to be done by, to, or before a Secretary of State or the Air Council may as regards any such officer, petty officer, or seaman of the naval forces be done by, to, or before the Admiralty, and the provisions of this Act shall be construed, so far as respects any such officer, petty officer, or seaman, as if "the Admiralty" were substituted for "Secretary of State" and "Air Council" wherever those words occur,

(f) Anything required or authorised by this Act to be done by, to, or before the Air Council may, as regards any such officer, non-commissioned officer or soldier of the military forces be done by, to, or before the Army Council, and the provisions of this Act shall be construed, so far as respects any such officer, non-commissioned officer, or soldier, as if "Army Council" were substituted for "Air Council" wherever those words occur,

(g) If any such officer, petty officer, non-commissioned officer, seaman, or soldier commits an offence for which he is not amenable under this Act, but for which he can be punished under the Naval Discipline Act or, as the case may be, the Army Act, he may be tried and punished for such offence under that Act,

(h) The power of a court-martial to inflict on an officer the punishment of forfeiture of seniority of rank shall include power to inflict a punishment of forfeiture of seniority of rank in the army or any corps thereof or both

(3) In the application of this section to the Royal Marines, petty officer and seaman of the naval forces shall mean non-commissioned officer and man of the Royal Marines

**179B.** In the application of this Act to officers of His Majesty's naval forces who are subject to air-force law, the power of a court-martial to inflict the punishment of forfeiture of seniority of rank shall include power to inflict the punishment of forfeiture of seniority of rank in the navy

**180.** (1) In the application of this Act to His Majesty's forces when serving in India the following modification shall be made —

A court-martial may take the same proceedings for the punishment of a person not subject to this Act, who in any part of India, commits any offence as a witness before a court-martial, or is guilty of a contempt of a court-martial, as might be taken by any civil court in that part of India in the case of the like offence in that court, and any court

in which such proceedings are taken shall have jurisdiction to punish such person accordingly

(3) In this Act, so far as regards India any reference to an inditatable offence or an offence punishable on indictment shall be deemed to refer to an offence punishable with rigorous imprisonment

*Modification  
of Act with  
respect to  
auxiliary  
forces.*

181. (1) The provisions of this Act with respect to enlistment shall not apply to a person enlisted or enrolled in the auxiliary air force, except so far as such person enlists or enrols himself, or attempts to enlist or enrol himself in the regular air force or in a force raised in India or a colony and except so far as the said provisions may be applied by any other Act

(2) The provisions of this Act shall apply to the permanent staff of the auxiliary air force who are not otherwise part of the regular air force in like manner as if such permanent staff were part of the regular air force

(3) The provisions of this Act with respect to billeting and impressment of carriages shall apply to the auxiliary air force when subject to this Act in like manner as if they were part of the regular air force subject to the following modification

(f) An order issued and signed as a route or an order signed by the officer commanding the unit of the auxiliary air force shall be substituted for a route—

(a) In the case of any man of the auxiliary air force attending for his preliminary training and

(b) In the case of any officer non-commissioned officer or man of the auxiliary air force assembled for training and exercise at the place in the United Kingdom appointed by c. 21 His Majesty in that behalf or whom called out to serve in defence of the British Islands against actual or apprehended attack and

(c) In the case of any officer non-commissioned officer or man of the auxiliary air force embodied under an order of His Majesty who has joined his corps or unit at the place appointed for his assembling

and an order to billet such officer non-commissioned officer or man purporting to be issued in manner required by this Act in the case of a route or by the officer commanding an unit of the auxiliary air force shall be valid until the contrary is proved of the order being issued in accordance with this Act and when delivered to an officer non-commissioned officer or man of the auxiliary air force shall be a sufficient authority to such officer non-commissioned officer or man to demand billets and when produced by an officer non-commissioned

15 Geo. 5.

officer or man, to a constable shall be conclusive evidence to such constable of the authority of the officer, non-commissioned officer, or man, producing the same to demand billets in accordance with the order

(5) The competence or liability of an officer of the auxiliary air force to be nominated or elected to, or to hold, the office of sheriff, mayor, or alderman, or an office in a municipal corporation, shall not be affected by reason of the unit or corps to which he belongs being assembled for annual training at the time of such nomination or election, or during the time of his tenure of office

(6) When a member of the auxiliary air force, being a non-commissioned officer or private, is subject to this Act, a dismissal may be awarded to him as a punishment, in the event of his committing any offence triable by court-martial or punishable by a commanding officer under this Act

**182.** The provisions of this Act shall apply to a warrant officer not holding an honorary commission in like manner as if he were a non-commissioned officer, subject nevertheless (in addition to the modifications for a non-commissioned officer) to the following modifications —

(1) He shall not be punished by his commanding officer nor sentenced by a district court-martial to any punishment not in this section mentioned; and

(2) He may be sentenced—

(a) by a district court-martial to be reprimanded or severely reprimanded, or to such forfeitures, fines, and stoppages as are allowed by this Act, and, either in addition to or in substitution for any such punishment, to be dismissed from the service, or to be reduced to the bottom or any other place in the list of the rank which he holds, or to be reduced to an inferior class of warrant officer (if any), or to be reduced to a lower grade, or if he was originally enlisted as an airman, but not otherwise, to the ranks, or

(b) by any court-martial having power to try him, other than a district court-martial, to any punishment which under this section a district court-martial has power to award, either in addition to or in substitution for any other punishment, or

(c) to the punishments prescribed in that behalf under section forty-seven of this Act by the authorities referred to in that section,

(4) The president of a court-martial for the trial of a warrant officer shall in no case be under the rank of flight lieutenant

10 Geo 5,  
a. 7

3 Geo 5,  
.3

0 Geo 5,  
7

Special pro-  
visions as to  
non-com-  
missioned  
officer.

**183** In the application of this Act to a non-commissioned officer the following modifications shall apply —

- (1) The obligation on a commanding officer to deal summarily with an airman charged with drunkenness shall not apply to a non-commissioned officer charged with drunkenness
- (2) The Air Council and on active service the officer commanding in-chief in the field (whether such officer is an officer of the air force army or navy) and any air general or flag officer he or the Air Council may appoint may reduce any non-commissioned officer to any lower grade or to the ranks

Provided that where the Air Council in special circumstances so direct any powers which under this provision may be exercised by an officer of our rank may be exercised by a group captain

- (3) A non-commissioned officer may by the sentence of a court martial be ordered to forfeit seniority of rank or be reduced to any lower grade or to the ranks either in addition to or without any other punishment in respect of an offence
- (4) A non-commissioned officer sentenced by court martial to penal servitude field punishment imprisonment or detention shall be deemed to be reduced to the ranks

Provided that—

- (a) An air force school master shall not be liable to be reduced to the ranks (unless he has been transferred from the ranks in which case he may be reduced to the rank which he held at the date of transfer) but may nevertheless be sentenced by a court martial to penal servitude imprisonment or detention or to a lower grade of pay or to be dismissed and if sentenced to penal servitude or imprisonment shall be deemed to be dismissed but
- (b) The Air Council may dismiss an air force school master
- (c) An airman being an acting non-commissioned officer by virtue of his employment either in a superior rank or in an appointment may be ordered by his commanding officer either for an offence or otherwise to revert to his permanent grade as a non-commissioned officer or if he has no permanent grade above the ranks to the ranks

**184** In the application of this Act to persons who do not belong to His Majesty's forces the following modifications shall be made —

- (1) Where an offence has been committed by any person subject to this Act who does not belong to His Majesty's forces such persons may be tried by any description of court martial convened by an officer authorised to convene such descrip-

Special pro-  
visions as to  
applicable  
to the  
persons not  
belonging  
to His  
Majesty's  
forces

tion of court-martial, within the limits of whose command the offender may for the time being be, and may be tried, and on conviction dealt with and punished accordingly:

(2) Any person subject to this Act who does not belong to His Majesty's forces shall, for the purposes of this Act relating to offences, be deemed to be under the command of the commanding officer of the corps or unit or portion of a corps or unit (if any) to which he is attached, and if he is not attached to any corps or unit or a portion of a corps or unit under the command of any officer who may for the time being be named as his commanding officer by the air or other officer commanding the force with which such person may for the time being be, or of any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said air or other officer commanding, but such person shall not be liable to be punished by a commanding officer

Provided that an air or other officer commanding shall not place a person under the command of an officer of rank inferior to the official rank of such person if there is present, at the place where such person is, any officer of higher rank under whose command he can be placed

**184A.** (1) Where an officer or petty officer in the Navy is a member of a body of His Majesty's naval forces acting with any body of His Majesty's air force under such conditions as may be prescribed by regulations made by the Admiralty and Air Council, then, for the purposes of Command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's air force as aforesaid, be treated and have all such powers (other than powers of punishment) as if he were an air-force officer or non-commissioned officer as the case may be

(1A) Where an officer or non-commissioned officer of the Army is a member of a body of His Majesty's military forces acting with any body of His Majesty's air force under such conditions as may be prescribed by regulations made by the Army Council and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's air force as aforesaid, be treated and have all such powers (other than powers of punishment) as if he were an air-force officer or non-commissioned officer as the case may be

Provided that under regulations made by the Air Council and Army Council, the officers and soldiers of a body of His Majesty's military forces acting with any body of the air-force on active service, or any of such officers or soldiers, may, in such manner and in such circumstances

and subject to such conditions as may be provided by or under those regulations be made subject to this Act and in such case they shall be subject thereto in like manner as if they were officers and soldiers attached to the air force.

(2) Where any officer or airman is a member of a body of His Majesty's air force acting with any body of His Majesty's naval or military forces under such conditions as may be prescribed by regulations made by the Air Council and as the case may be, the Admiralty or the Army Council and such officer or airman is not borne on the books of any of His Majesty's ships in commission then for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers the officers and petty officers of such naval body or the officers and non-commissioned officers of such military body (as the case may be) shall in relation to him be treated and have all such powers (other than powers of punishment) as if they were air force officers or non-commissioned officers.

(3) The relative rank of naval and military and air force officers, petty officers, and non-commissioned officers shall for the purposes of this section be such as is provided by the King's Regulations and Admiralty Instructions for the time being in force.

#### *Saving Provisions*

Special provisions as to  
prisoners and  
prisons in  
Ireland.

185 All jurisdiction and powers of a Secretary of State under this Act with respect to air force convicts or air force prisoners or to prisons other than air force prisons shall in Ireland be vested in the General Prisons Board and shall be exercised by that Board in the manner and subject to the regulations in and under which the jurisdiction and powers of that Board are exercised under the General Prisons (Ireland) Act 1877 and the provisions of this Act with respect to the orders and regulations of the Secretary of State shall apply to the orders and regulations of such Board.

Saving of  
Naval Dis-  
cipline Act  
as to forces  
when on  
board His  
Majesty's  
ships.

186 Nothing in this Act shall affect the application of the Naval Discipline Act or any Order in Council made thereunder to any of His Majesty's forces when embarked on board any ship commissioned by His Majesty and the auxiliary air force shall be deemed to be part of His Majesty's forces within the meaning of that Act.

#### *Definitions*

Applies to  
the  
Channel  
Islands and  
the Isle of Man.

187 This Act shall apply to the Channel Islands and the Isle of Man in like manner as if they were part of the United Kingdom subject to the following modifications—

(1) The provisions of this Act relating to billeting and the im-  
pre-  
ment of carriage shall not extend to the Channel  
Islands and the Isle of Man.

(2) For the purposes of the provisions of this Act relating to the execution of sentences of penal servitude, imprisonment or detention, and to prisons and detention barracks, the Channel Islands and the Isle of Man shall be deemed to be colonies, and any sentence of penal servitude, imprisonment or detention, passed in any of those islands shall be deemed to have been passed in a colony.

**187A.** This Act shall apply in relation to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty in like manner as it applies in relation to a British protectorate.

Application  
of Act in  
relation to  
mandated  
territories

**188.** Where a person subject to this Act is on board a ship, this Act shall apply until he arrives at the port of disembarkation in like manner as if he and the officers in command of him were on land at the place at which he embarked on board the said ship, subject to this proviso, that, if he is tried and sentenced while so on board ship, any finding and sentence, so far as not confirmed and executed on board ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

**189.** (1) In this Act, if not inconsistent with the context, the expression "on active service" as applied to a person subject to this Act means whenever he is attached to or forms part of a force which is engaged in operations against the enemy or is engaged in warlike operations in a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country.

Interpre-  
tation of term  
"on active  
service"

(2) Where the governor of a colony in which any part of His Majesty's air-force is serving, or if part of such force is serving out of His Majesty's dominions, the air officer commanding such part, declares at any time or times that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the force in the colony or under his command, as the case may be, should be temporarily subject to this Act, as if it was on active service, then, on the publication in general orders of any such declaration, the force to which the declaration applies shall be deemed to be on active service for the period mentioned in the declaration, so that the period mentioned in any one declaration do not exceed three months from the date thereof.

(3) If at any time during the said period the governor or air officer for the time being is of opinion that the necessity continues he may from time to time renew such declaration for another period not exceeding three months, and such renewal shall be published and have effect as the original declaration, and if he is of opinion that the said necessity has ceased, he shall state such opinion, and on the publication in general

orders of such statement the force to which the declaration applies shall cease to be deemed to be on active service

(4) Every such declaration renewal of declaration, and statement by the governor of a colony shall be made by proclamation published in the official gazette of the colony and it shall be the duty of every governor or air officer making a declaration or renewal of a declaration under this section if he has the means of direct telegraphic communication with a Secretary of State to obtain the previous consent of the Secretary of State to such declaration or renewal and in any other case to report the same with the utmost practicable speed to the Secretary of State

(5) The Secretary of State may if he thinks fit annul a declaration or renewal purporting to be made in pursuance of this section without prejudice to anything done by virtue thereof before the date at which the annulment takes effect and until that date any such declaration or renewal shall be deemed to have been duly made in accordance with this section and shall have full effect

(6) Where any such part of His Majesty's air force so serving and of His Majesty's Dominions is under the command of a general officer or colonel commandant the powers exercisable under this section by an air officer shall be exercisable by such general officer or colonel commandant and this section shall apply accordingly

Interpretation of terms

180 In this Act if not inconsistent with the context the following expressions have the meanings hereinafter respectively assigned to them that is to say

- (1) The expression "Secretary of State" means one of His Majesty's Principal Secretaries of State
- (2) The expression "Lord Lieutenant of Ireland" includes the lords justices or other chief governor or governors of Ireland
- (3) The expression "officer" means an officer commissioned or in pay as an officer in the air force or any arm branch or part thereof it also includes a person who by virtue of his commission is appointed to any department or corps or unit of the air force or of any arm branch or part thereof it also includes a person whether retired or not who by virtue of his commission or otherwise is legally entitled to the style and rank of an officer of the air force or of any arm branch or part thereof, it also includes any officer of His Majesty's naval or military forces who is for the time being subject to air force law

Warrant and other officers holding honorary commissions are officers within the meaning of this Act, subject to the exceptions in this Act mentioned:

- (5) The expression "non-commissioned officer" includes an acting non-commissioned officer, and includes an air-force school-master when not a warrant officer, but save as is in this Act mentioned does not include a warrant officer not holding an honorary commission
- (6) The expression "airman" does not include an officer as defined by this Act, but, with the modifications in this Act contained in relation to warrant officers and non-commissioned officers, does include a warrant officer not having an honorary commission and a non-commissioned officer, and every person subject to this Act during the time that he is so subject
- (7) The expression "superior officer," when used in relation to an airman, includes a warrant officer not holding an honorary commission, and also includes a non-commissioned officer as above defined
- (8) The expressions "regular air-force" and "His Majesty's regular air-force" mean officers and airmen who by their commission, terms of enlistment, or otherwise, are liable to render continuously for a term air-force service to His Majesty in every part of the world, or in any specified part of the world, including airmen of the air-force reserve when called out on permanent service
- (15) The expression "corps" means any such body of the air-force as may be from time to time declared by Royal Warrant to be a corps for the purpose of this Act, and the expression "unit" means any such unit of the air-force as may be from time to time declared by orders or regulations as to the government of the air-force to be a unit for any of the purposes of this Act
- (17) The expression "service" when qualifying institution, necessaries, books, band, mess, money, goods, and other property, means belonging to or connected with the air-service or any unit or part of a unit thereof
- (18) The expression "decoration" means any medal, clasp, good-conduct badge, or decoration
- (19) The expression "air-force reward" means any gratuity or annuity for long service or good conduct, it also includes any good-conduct pay or pension and any other air-force pecuniary reward
- (20) The expression "enemy" includes all armed mutineers, armed rebels, armed rioters, and pirates
- (21) The expression "India" means British India, together with any territories of any native prince or chief under the

: suzerainty of His Majesty exercised through the Governor-General of India or through any governor or other officer subordinate to the Governor-General of India and the expression 'British Indian' means all territories and places within His Majesty's dominions which are for the time being governed by His Majesty through the Governor-General of India or through any governor or other officer subordinate to the Governor-General of India

- (23) The expression 'colony' means any part of His Majesty's dominions exclusive of the British Islands and of British India and includes Cyprus and any British protectorate and where parts of such dominions are under both a central and a local legislature all parts under the central legislature shall for the purposes of this definition be deemed to be one colony
- (24) The expression 'foreign country' means any place which is not situate in the United Kingdom a colony or India, as above defined and is not on the high seas
- (25) The expression "beyond the seas" means out of the United Kingdom the Channel Islands and Isle of Man and the expression 'station beyond the seas' includes any place where any of His Majesty's forces are serving out of the United Kingdom the Channel Islands and Isle of Man
- (26) The expression 'governor general' in its application to India means the Governor General of India in Council
- (27) The expression 'governor' in its application to a colony means the Governor General Governor, High Commissioner, or Commissioner and includes the lieutenant governor or other officer administering the Government of the colony
- (28) The expressions 'oath' and 'swear' and other expressions relating thereto include affirmation or declaration affirm or declare and expressions relating thereto in cases where an affirmation or declaration is by law allowed instead of an oath
- (29) The expression 'superior court' in the United Kingdom means His Majesty's High Court of Justice in England the Court of Session in Scotland and His Majesty's High Court of Justice at Dublin
- (30) The expression 'supreme court' means, as regard India any high court or any chief court and the expression 'court of superior jurisdiction,' as regards a colony means a court exercising in that colony the like authority as the High Court of Justice in England

(31) The expression "civil court" means with respect to any crime or offence, a court of ordinary criminal jurisdiction, and includes a court of summary jurisdiction

(32) The expression "prescribed" means prescribed by any rules or procedure made in pursuance of this Act

(33) The expression "misdemeanor" as far as regards Scotland, means a crime or offence, and so far as regards India, means a crime punishable by fine and rigorous or simple imprisonment at the discretion of the court

(34) The expression "Summary Jurisdiction Acts"—  
"Summary Jurisdiction  
Acts"  
 (a) As regards England, has the same meaning as in the Summary Jurisdiction Act, 1879,  
 (b) As regards Scotland, means the Summary Procedure Act, 1864, and any Acts amending the same, and  
 (c) As regards Ireland, means within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act amending the same

(35) The expression "court of summary jurisdiction"—  
"Court of  
summary  
jurisdiction"  
 (a) As regards England, has the same meaning as in the Summary Jurisdiction Act, 1879, and  
 (b) As regards Ireland means any justice or justices of the peace, police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to, and  
 (c) As regards Scotland, means the sheriff or sheriff substitute, or any two justices of the peace sitting in open court, or any magistrate or magistrates to whom jurisdiction is given by the Summary Procedure (Scotland) Act, 1864, and  
 (d) As regards India, a colony, the Channel Islands and Isle of Man, means the court, justices or magistrates who exercise jurisdiction in the like cases to those in which the Summary Jurisdiction Acts are applicable

(36) The expression "court of law" includes a court of summary jurisdiction

(37) The expression "county court judge" includes—  
 (a) In the case of Scotland, the sheriff or sheriff substitute and  
 (b) In the case of Ireland, the judge of the Civil Bill Court:

2 & 43 Vict.  
49

7 & 28 Vict.,  
53

4 & 15 Vict.,  
93

1 & 28 Vict.,  
53

(38) The expression " constable " includes a high constable and a commissioner inspector or other officer of police

(39) The expression " police authority " means the commissioner, commissioners justices watch committees or other authority having the control of the police force

(40) The expression " horse " includes a mule and the provisions of this Act shall apply to any beast of whatever description, used for burden or draught or for carrying persons in like manner as if such beast were included in the expression " horse "

(40A) The expression " carriage " means a vehicle for carriage or 15 Geo. 5 hauling other than one specially constructed for use on <sup>c. 23.</sup> rails

(41) The expression " soldier " has the same meaning as in the Army Act

(42) The expression " aircraft " includes aeroplanes, balloons kite balloons airships or other machines for flying

(43) The expression " aircraft material " includes any engines fittings guns gear instruments or apparatus for use in connection with aircraft and any components and accessories of aircraft and petrol and any other substance used for providing motive power for aircraft and lubricating oil

(44) The expression " air signal " means any signal intended for the guidance of aircraft whether given by flag ground signal light wind indicator or in any other manner whatsoever

(45) The expressions " the forces " and " His Majesty's forces " include His Majesty's naval military and air forces

(46) The expression " air officer " means any officer above the rank of group captain <sup>10 Geo. 3</sup> <sup>c. 7</sup>

SCHEDULES

## FIRST SCHEDULE

**FORM OF OATH TO BE TAKEN BY A MASTERS WHOSE APPRENTICK HAS  
ABSCONDED AND OF JUSTICE'S CERTIFICATE ANNEXED**

I I B of do make oath that I am by trade a  
and that was bound to serve as an apprentice to me  
in the said trade by indenture dated the day of for  
the term of years and that the said did on or

about the                    day of                    abscond and quit my service without my consent, and that to the best of my knowledge and belief the said                    is aged about                    years Witness my hand at                    the                    day of                    one thousand nine hundred and                    .

I hereby certify that the foregoing affidavit was sworn before me at this day of                    one thousand nine hundred and }

} (Signed) A.B

} (Signed) C.D,

Justice of the Peace for

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FORM OF OATH TO BE TAKEN BY A MASTER WHOSE INDENTURED LABOURER IN INDIA OR A COLONY HAS ABSCONDED, AND OF JUSTICE'S CERTIFICATE ANNEXED

I                    of                    do make oath, that                    was bound to me to serve as an indentured labourer by indenture dated the day of                    for the term of                    years, and that the said                    did on or about the                    day of abscond and quit my service without my consent Witness my hand at                    the                    day of                    one thousand nine hundred and

(Signed) A.B

I hereby certify, etc [as for apprentice]

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SECOND SCHEDULE

Sections 106,  
108

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B I L L E T I N G

PART I

ACCOMMODATION TO BE FURNISHED BY KEEPER OF VICTUALLING HOUSE

A keeper of a victualling house on whom any officer, airman, or horse is billeted—

- (1) Shall furnish the officer and airman with lodgings and attendance; and
- (2) Shall, if required by the airman, furnish him for every day of the march, and for not more than two days, if the airman is

halted at an intermediate place on the march for more than two days, and on the day of arrival at the place of final destination, with breakfast, hot dinner, and supper on each day such meals to consist of such quantities of food and drink as may from time to time be fixed by His Majesty's Regulations not exceeding—

- (a) For breakfast, five ounces of bread, one pint of tea with milk and sugar four ounces of bacon
- (b) For hot dinner twelve ounces of meat previous to being dressed, six ounces of bread, eight ounces of potatoes or other vegetables,
- (c) For supper five ounces of bread, one pint of tea with milk and sugar two ounces of cheese and
- (3) When an airman is not so entitled to be furnished with "a meal" shall furnish the airman with candles, vinegar, and salt and allow him the use of fire and the necessary utensils for dressing and eating his meat and
- (4) Shall furnish stable room and ten pounds of oats twelve pounds of hay, and eight pounds of straw on every day for each horse

For the purposes of this part of this Schedule the expression "furnished with lodging" shall include the provision of a separate bed for each officer and airman

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## PART II

### REGULATIONS AS TO BILLETS

(1) When the troops are on the march the billets given shall except in case of necessity or of an order of a justice of the peace be upon victualling houses in or within one mile from the place mentioned in the route

(2) Care shall always be taken that the billets be made out to the less distant victualling houses in which suitable accommodation can be found before billets are made out for the more distant victualling houses

(3) Except in case of necessity where horses are billeted, each man and his horse shall be billeted on the same victualling house.

(4) Except in case of necessity one airman at least shall be billeted where there are one or two horses and two airmen at least where there are four horses, and so in proportion for a greater number

(5) Except in case of necessity, an airman and his horse shall not be billeted at a greater distance from each other than one hundred yards.

(6) When any airmen with their horses are billeted upon the keeper of a victualling house who has no stables, on the written requisition of the commanding officer present the constable shall billet the airmen and their horses, or the horses only, on the keeper of some other victualling house who has stables, and a court of summary jurisdiction upon complaint by the keeper of the last-mentioned victualling house may order a proper allowance to be paid to him by the keeper of the victualling house relieved

(7) An officer demanding billets may allot the billets among the airmen under his command and their horses as he thinks most expedient for the public service, and may from time to time vary such allotment

(8) The commanding officer may, where it is practicable, require that not less than two men shall be billeted in one house

### THIRD SCHEDULE.

Section 113

#### IMPRESSIONMENT OF CARRIAGES.

[Omitted by 15 Geo 5, c 25 ]

### FOURTH SCHEDULE

Section 154.

#### FORM OF DESCRIPTIVE RETURN

DESCRIPTIVE RETURN of . . . who\* . . . at  
on the . . . day of . . . , and was committed to  
confinement at . . . on the . . . day of . . .  
as a deserter [or absentee without leave] from the . . .

\* After the word "who," to be inserted either the words "was apprehended," or "surrendered himself," as the case may be

Age . . .		
Height . . .	Feet	Inches
Complexion . . .		

## THE ARMY (ANNUAL) ACT 1918

(8 Geo 5, c 6)

*An Act to provide during Twelve Months for the Discipline and Regulation of the Army*

[30th April 1918.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of parliament is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown and that the whole number of such forces should consist of five million including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marines forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels merchant ships or vessels or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the Government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb or subjected in time of peace to any kind of punishment within this realm by martial law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm yet nevertheless it being requisite for the retaining all the before-mentioned forces and other persons subject to military law in their duty that an exact discipline be observed and that persons belonging to the said forces who may stir up sedition or desert His Majesty's service or are guilty of crimes and offences to the prejudice of good order and military discipline be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Arms Act<sup>1</sup> will expire in the year one thousand nine hundred and eighteen on the following day — [s. 45, 1st & 2nd Sess.]

(i) In the United Kingdom, the Channel Islands and the Isle of Man on the thirtieth day of April and

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<sup>1</sup> See Vol. I of this publication.

(b) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

**1.** This Act may be cited as the Army (Annual) Act, 1918

Short title ..

**2.** (1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say) —

Army Act to  
be in force for  
specified  
times.

(a) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and eighteen to the thirtieth day of April one thousand nine hundred and nineteen, both inclusive; and

(b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and eighteen to the thirty-first day of July one thousand nine hundred and nineteen, both inclusive

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned

**3.** There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the billeting prices specified in the Schedule to this Act

#### AMENDMENTS OF THE ARMY ACT

**4.** During the continuance in force of an emergency Order by His Majesty under section one hundred and eight of the Army Act women who are enrolled for employment by the Army Council shall be entitled to be billeted, and, accordingly, the following sub-section shall be added at the end of that section —

"(7) The provisions of this act as to billeting shall, whilst any Order of His Majesty under this section is in force, apply to women who are enrolled for employment by the Army Council as they apply to soldiers, and for the purpose of those provisions is so applied officers of any troops with whom the women to be billeted are employed and the officer

commanding those troops shall be deemed in relation to such women to be their officers and commanding officer and if any such woman is guilty of an offence in relation to billeting mentioned in section thirty of this Act she shall be punishable on summary conviction in manner provided by sub-section (2) of section one hundred and eleven of this Act

<sup>Amendment  
s. 24 of  
my Act.</sup> 5 In sub-section (5) of section twenty four of the Army Act the words "or other animal" shall be inserted after the word "horse"

<sup>Amendment  
s. 52 of  
my Act.</sup> 6 In sub-section (1) of section fifty two of the Army Act (which prescribes the oath to be administered to members of courts-martial) the following words shall be inserted after the words "and you do further swear that" where those words first occur —

except so far as may be permitted by instructions of the Army Council for the purpose of communicating the sentence to the accused

<sup>Amendment  
s. 133 of  
my Act.</sup> 7 (1) At the end of sub-section (1) of section one hundred and thirty-three of the Army Act (which relates to military prisons and detention barracks) the following words shall be inserted —

and every building or part of a building set apart under the Air Force Act as an air force prison or detention barrack, shall unless the Secretary of State otherwise directs, be deemed to be a military prison or detention barrack within the meaning of this section

(2) This section shall notwithstanding anything in section fourteen of the Army (Annual) Act 1904 come into operation both within the British Islands and elsewhere on the passing of this Act

<sup>Amendment  
s. 140 of  
Army Act.</sup> 8 Section one hundred and forty of the Army Act (which relates to deductions from ordinary pay) shall be amended as follows —

In sub-section (2) the following shall be substituted for the words from "So however that" to the end of the sub-section —

So however that —

(a) no person shall be treated as absent imprisoned or detained for the purposes aforesaid unless the absence imprisonment or detention has lasted six hours or upwards except where the absence prevented the absentee from fulfilling any military duty which was thereby thrown on some other person

(b) a period of absence imprisonment or detention which commences before and ends after midnight may be reckoned as a day

"(c) the number of days shall be reckoned as from the time when the absence, imprisonment, or detention commences, and

"(d) no period of less than twenty-four hours shall be reckoned as more than one day"

**9.** Section one hundred and forty-two of the Army Act (which relates to false oaths and personation) shall be amended as follows —

Amendment  
of s 142 of  
Army Act

(a) After the words "possession of the military authorities" where they occur in sub-section (1) thereof there shall be inserted the words "or with respect to the grant of any relief, benefit or advantage in connection with military service," and after the same words where they occur in sub-section (3) thereof there shall be inserted the words "or to any relief, benefit, or advantage granted in connection with military service",

(b) For the words "such payment" in sub-section (1) thereof there shall be substituted the words "such payment, delivery or grant",

(c) For the words "a particular man in" in sub-section (2) thereof there shall be substituted the words "a particular man in or who has been in"

**10.** Sub-section (2) of section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to maintain his wife and children) shall be amended as follows —

The words from "succeeding" to the end of the sub-section shall be omitted, and the following words shall be inserted instead thereof—

"where the soldier is a warrant officer (Class I) not holding an honorary commission—in respect of a wife or children one shilling and seven pence, and in respect of a bastard child one shilling and one penny,

"where the soldier is a warrant officer (Class II) not holding an honorary commission, or a non-commissioned officer who is not below the rank of sergeant—in respect of a wife or children one shilling and one penny, and in respect of a bastard child eight pence,

"in the case of any other soldier—in respect of a wife or children nine pence, and in respect of a bastard child six pence"

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<sup>1</sup> This section is virtually repealed see 10, Geo 5, c 7, *infra*.

Amendment  
of a 166 of  
Army Act.

**11.** (1) Sub-section (1) of section one hundred and fifty-six of the Army Act (which imposes a penalty on persons purchasing from soldiers regimental necessaries equipments stores etc) shall be amended as follows —

The words from "in the case of the first offence" down to "in the case of a second offence" (both inclusive) and the words "not less than five pounds and" shall be omitted and at the end of the sub-section there shall be added the words "or to both such fine and imprisonment"

(2) For sub-section (2) of section one hundred and fifty-six of the Army Act the following sub-section shall be substituted —

(9) Every person who—

(a) receives demands or has in his possession any identity certificate life certificate or other certificate or official document evidencing or issued in connection with the right of any person to a military pension, pay or reserve pay or to any bounty allowance gratuity relief benefit or advantage granted in connection with military service as a pledge or security for a debt or with a view to obtain payment from the person entitled thereto of a debt due either to himself or to any other person or

(b) without lawful authority or excuse (the proof whereof shall lie on the accused) has in his possession any such certificate or document or any certificate of discharge or any other official document issued in connection with the mobilization or demobilization of any of His Majesty's forces or any member thereof

shall be liable on summary conviction to the like penalty as for an offence under sub-section (1) of this section and any such certificate or other document shall be deemed to be property within the meaning of this section

Amendment  
of a 166 of  
Army Act

**12.** (1) The following paragraph shall be added at the end of sub-section (1) of section one hundred and sixty three of the Army Act

(k) any document which would have been admissible in any proceeding under the Air Force Act by virtue of section one hundred and forty three of that Act shall in like manner and for the same purpose be admissible in evidence under this Act

(2) This section shall, notwithstanding anything in section fourteen of the Army (Annual) Act, 1904, come into operation both within the British Isles and elsewhere on the passing of this Act

**13.** At the beginning of section one hundred and seventy-nine A of the Army Act the following sub-section shall be inserted —

Amendment  
of s 179A of  
the Army  
Act

(1) The Army Council may direct from time to time that any officers or soldiers of the regular forces shall, under such conditions as may be prescribed by regulations made by the Army Council and the Air Council, be temporarily attached to the Air Force

## SCHEDULE

Section 3.

Accommodation to be provided	Maximum Price
Lodging and attendance for soldier where meals furnished	Six pence per night
Breakfast as specified in Part I of the Second Schedule to the Army Act	Six pence each
Dinner as so specified . . . . .	One shilling and two pence each
Supper as so specified . . . . .	Four pence each
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat	Six pence per day
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse	Two shillings and four pence per day
Stable room without forage . . . . .	Six pence per day
Lodging and attendance for officer . . . . .	Two shillings per night

*Note* —An officer shall pay for his food.

THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914

(8 & 9 Geo 5, c 38)

An Act to amend the British Nationality and Status of Aliens Act, 1914

[8th August 1918]

BE it enacted by the King a Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same as follows —

Substitution  
of provisions  
for section 7  
of the principal  
Act.

1. The following sections shall be substituted for section seven of the<sup>1</sup> British Nationality and Status of Aliens Act 1914 (hereinafter <sup>and 5 Geo 5</sup> referred to as "the principal Act") which relates to the revocation of certificates of naturalization —

Revocation  
of certificate  
of naturaliza-  
tion.

7 (1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud or by concealment of material circumstances or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty the Secretary of State shall by order revoke the certificate

(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either —

(a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war or

(b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude or to a fine of not less than one hundred pounds, or

(c) was not of good character at the date of the grant of the certificate or

(d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions, or

(e) remains according to the law of a state at war with His Majesty a subject of that state,

and that (in any case) the continuance of the certificate is not conducive to the public good

"(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is herein-after specified, and in any case to which sub-section (1) or paragraph (a), (c), or (e) of sub-section (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last-known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly

"(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct

"Provided that any such inquiry may if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of court

"A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters —

(a) the enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or a request to examine witnesses abroad, and

(b) the compelling the production of documents, and

(c) the punishing persons guilty of contempt,

THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1918

(8 & 9 Geo 5, c 38)

An Act to amend the British Nationality and Status of Aliens Act, 1914

[8th August 1918]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows —

1 The following sections shall be substituted for section seven of the British Nationality and Status of Aliens Act, 1914 (hereinafter referred to as "the principal Act") which relates to the revocation of certificates of naturalization —

Substitution  
of provisions  
for section 7  
of the principal  
Act.

Revocation  
of certificate  
of naturaliza-  
tion.

7 (1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud or by concealment of material circumstances or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty the Secretary of State shall by order revoke the certificate

(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either —

(i) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war or

(ii) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months or to a term of penal servitude or to a fine of not less than one hundred pounds or

(iii) was not of good character at the date of the grant of the certificate or

(d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions, or

(e) remains according to the law of a state at war with His Majesty a subject of that state,

and that (in any case) the continuance of the certificate is not conducive to the public good

"(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is herein-after specified, and in any case to which sub-section (1) or paragraph (a), (c), or (e) of sub-section (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last-known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly

"(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct

"Provided that any such inquiry may if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of court

"A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters —

(a) the enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or a request to examine witnesses abroad, and

(b) the compelling the production of documents, and

(c) the punishing persons guilty of contempt,

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

(6) Where the Secretary of State revokes a certificate of naturalization the revocation shall have effect from such date as the Secretary of State may direct and thereupon the certificate shall be given up and cancelled and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Effect of revocation of certificate of naturalization.

7A. (1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects and any such person shall thereupon become an alien but except where the Secretary of State directs as aforesaid the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation and they shall remain British subjects.

Provided that—

(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of allegiance and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens and

(b) the Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

(2) The provisions of this section as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the

person ceases to be a British subject and such other provisions shall accordingly not apply in any such case

"(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the state to which he belonged at the time the certificate was granted"

\* 12. The following amendments shall be made in the principal Act — Minor  
amendments  
of the prin-  
cipal Act

(1) In paragraph (b) of sub-section (1) of section one (which defines natural-born British subjects) after the words "had been granted" there shall be inserted the words "or had become a British subject by reason of any annexation of territory, or was at the time of that person's birth in the service of the Crown", and at the end of that section the following sub-section shall be inserted —

"(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive"

(2) At the end of section two (which relates to the grant of certificates of naturalization) the following sub-section shall be inserted —

"(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom

(3) In sub-section (2) of section five "whether or not" shall be substituted for "although" and "not" shall be omitted, and in sub-section (3) of section five "Act" shall be substituted for "section"

(4) In sub-section (1) of section eight (which relates to the grant of certificates of naturalization in British possessions) after the words "United Kingdom" there shall be inserted the words "and of a High Court or superior court of the possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor," and after the words "any certificate proposed to be granted" there shall be inserted the words "and any proposal to revoke any certificate"

(5) In section ten (which relates to the national status of married women) at the end of the section there shall be added the words "and provided that where an alien is a subject of a state at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is

<sup>1</sup> Sub-section (1) of this section is virtually repealed in part, see 12 & 13 Geo. 5, c. 44, infra.

desirable that she be permitted to do so may grant her a certificate of naturalization

(6) In sub-section (1) of section twenty seven (which contains definitions) at the end of the definition of "British subject" after the words "has been granted" there shall be inserted the words "or a person who has become a subject of His Majesty by reason of any annexation of territory" and for sub-section (2) of that section the following sub-section shall be substituted —

'(2) Where in pursuance of this Act the name of the child is included in a certificate of naturalization granted to his parent or where in pursuance of any Act repealed by this Act any child has been deemed to be a naturalized British subject by reason of residence with his parent such child shall for the purposes of this Act be deemed to be a person to whom a certificate of naturalization has been granted

*Provisions as  
to naturaliza-  
tion certi-  
ficate.*

3 (1) Where a certificate of naturalization has been granted in the United Kingdom during the present war to a person who at or at any time before the grant of the certificate was the subject of a country which at the date of the grant was at war with His Majesty the Secretary of State shall refer for such inquiry as is provided for in the case of revocation of certificates the question whether it is desirable that the certificate should be revoked and if such question shall be answered in the affirmative shall revoke the certificate but this provision shall not apply to a person who at birth was a British subject

(2) No certificate of naturalization shall before the expiration of a period of ten years after the termination of the present war be granted in the United Kingdom to any subject of a country which at the time of the passing of this Act was at war with His Majesty but this provision shall not apply to a person who—

- (a) has served in His Majesty's forces or in the forces of any of His Majesty's Allies or of any country acting in naval or military co-operation with His Majesty or
- (b) is a member of a race or community known to be opposed to the enemy governments or
- (c) was at birth a British subject

*Section 3* 1 (1) This Act may be cited as the British Nationality and Status of Aliens Act 1918 and the principal Act and this Act may be cited together as the British Nationality and Status of Aliens Acts 1918 and 1919

**8 & 9 Geo. 5, c. 38.]** *The British Nationality and Status of Aliens Act, 1918* 339

**8 & 9 Geo. 5, c. 59.]** *The Termination of the Present War (Definition) Act, 1918*

(2) Every enactment and word which is directed by this Act to be substituted for or added to any portion of the principal Act shall form part of that Act in the place assigned to it by this Act, and the principal Act, and any enactments referring thereto, shall after the commencement of this Act be construed as if that enactment or word had been originally enacted in the principal Act in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word, and the expression "this Act" in the principal Act or this Act shall be construed accordingly

(3) A copy of the principal Act with every such enactment and word inserted in the place so assigned shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printer shall print in accordance with the copy so certified all copies of the principal Act which are printed after the commencement of this Act

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**THE TERMINATION OF THE PRESENT WAR (DEFINITION) ACT, 1918**

**(8 & 9 Geo. 5, c. 59.)**

*An Act to make provision for determining the date of the termination of the present war and for purposes connected therewith*

[21st November, 1918]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. (1) His Majesty in Council may declare what date<sup>1</sup> is to be treated as the date of the termination of the present war, and the present war shall be treated as having continued to, and as having ended on that date for the purposes of any provision in any Act of Parliament, Order in Council, or Proclamation, and except where the context otherwise requires, of any provision in any contract, deed or other instrument referring, expressly or impliedly, and in whatever form or words, to the present war or the present hostilities

Power to determine date of termination of the present war.

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<sup>1</sup> The date fixed was 31st August, 1921, see Order in Council, dated 10th August, 1921, published under Notification No 80-F, dated 30th August, 1921, Gazette of India, Extraordinary, 1921, p 361

*The Army (Annual) Act, 1919 [9 Geo 5, c 11.]*

Provided that in the case of any such Act conferring powers on any Government Department or any officer of any Government Department, exercisable during the continuance of the present war, if it appears to His Majesty that it is expedient that the powers shall cease before the date so fixed as aforesaid His Majesty in Council may fix some earlier date for the termination of those powers

(2) The date so declared shall be as nearly as may be the date of the exchange or deposit of ratifications of the treaty or treaties of peace

Provided that, notwithstanding anything in this provision, the date declared as aforesaid shall be conclusive for all purposes of this Act

(3) His Majesty in Council may also similarly declare what date is to be treated as the date of the termination of war between His Majesty and any particular State

Short title.

2 This Act may be cited as the Termination of the Present War (Definition) Act 1918

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*THE ARMY (ANNUAL) ACT, 1919*

*(9 Geo 5, c 11.)*

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

- 1 Short title
- 2 Army Act to be in force for specified times.
- 3 Prices in respect of billeting

**AMENDMENTS OF THE ARMY ACT**

- 4 Amendment of s. 42 of Army Act
- 5 Amendment of s. 46 of Army Act.
- 6 Power to deal summarily with charges against officers
- 7 Amendment of s. 111 of Army Act with respect to lists of horses.
- 8 Amendment of s. 112 of Army Act
- 9 Amendment of s. 131 of Army Act.

## SECTIONS.

- 10 Retrospective effect of increased rates of deduction under s 145 of the Army Act
- 11 Amendment of s 153 of Army Act
- 12 Amendment of s 156 of Army Act
- 13 Unauthorised use of decorations, etc.
- 14 Amendment of s 163 of Army Act
- 15 Amendment of s 175 of Army Act
- 16 Amendment of s 179A of Army Act
- 17 Amendment of s 180 of Army Act
- 18 Amendment of s 190 of Army Act

## SCHEDULE

*An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army*

[16th April, 1919]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of two million six hundred and fifty thousand, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the Government of His Majesty's forces by sea.

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial

law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm, yet nevertheless it being requisite for the retaining all the before-mentioned forces and other persons subject to military law, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline be brought to a more exemplary and speedy punishment than the usual forms of the law will allow.

And whereas the Army Act<sup>1</sup> will expire in the year one thousand four hundred and nineteen on the following day  
44 and 45  
Vict., c. 5.

- (a) In the United Kingdom the Channel Islands and Isle of Man on the thirtieth day of April and
- (b) Elsewhere whether within or without His Majesty's dominions, on the thirty first day of July,

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lord Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows —

**1. This Act may be cited as the Army (Annual) Act 1919**

**2. (1) The Army Act shall be and remain in force during the periods hereinafter mentioned and no longer unless otherwise provided by Parliament (that is to say) —**

- (a) Within the United Kingdom the Channel Islands, and the Isle of Man from the thirtieth day of April one thousand nine hundred and nineteen to the thirtieth day of April one thousand nine hundred and twenty, both inclusive and
- (b) elsewhere whether within or without His Majesty's dominions from the thirty first day of July one thousand nine hundred and nineteen to the thirty first day of July one thousand nine hundred and twenty both inclusive

**(2) The Army Act while in force shall apply to persons subject to military law, whether within or without His Majesty's dominions**

**(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty exclusive of the marine force is either greater or less than the number before-mentioned**

**(4) There shall be paid to the keeper of a vaulting house for the accommodation provided for him in pursuance of the Army Act the juries specified in the schedule to this Act**

## AMENDMENTS OF THE ARMY ACT.

**4.** In section forty-two of the Army Act (which relates to the mode of complaint by officers), after the words "examine into such complaint, and" there shall be inserted the words ("if so required by the officer")

**5.** In sub-section (1) of section forty-six of the Army Act (which relates to the proceedings, upon investigation of a charge), after the words "for bringing the offender to court-martial," there shall be inserted the words "or, in the case of an officer below the rank of field officer, may refer the case to be dealt with summarily by a general officer under the provisions of this Act"

**6.** After section forty-six of the Army Act the following section shall be inserted —

"**46A** (1) Any of the following authorities shall have power to deal summarily with a charge against an officer below the rank of field officer referred for that purpose, or for trial by court-martial, under the foregoing section of this Act, that is to say, any general officer authorised to convene a general court-martial and also, on active service, the General Officer Commanding-in-Chief in the Field, and any officer (not under the rank of major-general) appointed for the purpose by him, or by the Army Council

(2) The authority having power to deal summarily with the case may, with or without hearing the evidence, dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with, or, where he thinks the charge ought to be proceeded with take steps for bringing the offender to a court-martial, or, may after hearing the evidence, deal with the case summarily by awarding one or more of the following punishments —

(a) Forfeiture of seniority of rank either in the army or in the corps to which the offender belongs, or in both

(b) Severe reprimand or reprimand

(3) Where the authority having power to deal summarily with the case considers that he may so deal with the case, he shall, unless he awards a severe reprimand, or a reprimand, in every case ask the officer charged whether he desires to be dealt with summarily or to be tried by a court-martial and if the officer elects to be tried by a court-martial take steps for bringing him to trial by a court-martial, but otherwise shall proceed to deal with the case summarily

(4) In every case where an authority has power to dispose of a case summarily, and decides so to do, the accused officer may demand that the evidence against him should be taken on oath, and the same oath or solemn declaration as that required to be taken by witnesses before a court-martial shall be administered to each witness in such case

(5) An offender shall not be liable to be tried by court-martial for any offence which has been dealt with summarily under this section, and shall not be liable to be punished by a general officer under this section for any offence of which he has been acquitted or convicted by a competent civil court or by a court martial."

Amendment  
of s. 114 of  
Army Act  
with respect  
to lists of  
horses.

7 Section one hundred and fourteen of the Army Act (which provides for the preparation of an annual list of persons liable to supply carriages and animals) shall be amended as follows —

In sub-section (1a) the second paragraph shall be omitted

After sub-section (1a) the following sub-section shall be inserted —

(1b) with respect to horses the following provisions shall have effect—

(i) it shall be the duty of the owner of any horse, and the occupier of any premises where horses are kept to furnish if so required to the authority hereinafter mentioned before such date in each year as may be prescribed a return specifying the number of horses belonging to him or kept on his premises, and giving with respect to every horse such details as may be so prescribed he shall also afford all reasonable facilities for enabling any horse belonging to him or kept on his premises to be inspected and examined as and when required by the said authority if any person fails to comply with any of the requirements of this paragraph he shall be liable on summary conviction for each offence to a fine not exceeding fifty pounds,

(ii) the Army Council may for the purposes of this sub-section make regulations prescribing anything which under this sub-section is to be prescribed and prescribing the forms to be used and generally for the purpose of carrying this sub-section into effect

(iii) regulations made by the Army Council may provide for excepting from the provisions of this sub-section horses of any class or description specified in the regulations'

After sub-section (3) the following sub-section shall be inserted —

(3a) If any officer is obstructed in the exercise of his powers under this section a justice of the peace may if satisfied by information on oath that the officer has been so obstructed issue a search warrant authorizing the constable named therein accompanied by the officer to enter the premises in respect of which the obstruction took place at any time between six o'clock in the morning and nine o'clock in the

evening, and to inspect any carriages or animals that may be found therein ”

For sub-section (4) there shall be substituted the following sub-section —

“ (4) The authority for the purposes of this section shall be the Army Council or any authority or persons to whom the Army Council may delegate their powers under this section ”

**8.** At the end of section one hundred and fifteen of the Army Act (which provides for the supply of carriages and animals in case of emergency) the following sub-section shall be inserted.— Amendment of s 115 of Army Act.

“ (10) A requisition of emergency issued under this section may prohibit, during such period as may be specified in the requisition, the sale and purchase of horses to or by any person other than a person appointed by the Army Council to purchase horses, and if any person sells or purchases or is concerned in the sale or purchase of a horse in contravention of such prohibition, he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine ”

**9.** The following provision shall be added at the end of sub-section (2) of section one hundred and thirty-one of the Army Act (which provides for arrangements as to prisons with colonial governments)— Amendment of s 131 of Army Act

“ Notwithstanding anything in this Act, a Secretary of State may arrange with the Governor of a Colony that any person or class of persons enlisted in the Colony shall, if sentenced under this Act to penal servitude, be transferred to or kept in the Colony and there undergo his sentence in any prisons or place in which persons sentenced to penal servitude by a civil court in the Colony can for the time being be confined or, if there be no such prison or place, in an authorised prison as defined by section sixty-five of this Act.”

**10. (1)** Where an order had, before the commencement of the Army (Annual) Act, 1918, been made under section one hundred and forty-five of the Army Act authorising deductions from pay, a further order may be made increasing the amount of the deduction to be made after the commencement of this Act under the former order up to the limit authorised by section ten of the Army (Annual) Act, 1918 Retrospective effect of increased rates of deduction under s 145 of Army Act

**(2)** This section shall, notwithstanding anything in section fourteen of the Army (Annual) Act, 1904, come into operation, both within the British Islands and elsewhere, on the passing of this Act.

Amendment  
of s. 153 of  
Army Act.

**11** Section one hundred and fifty three of the Army Act (which imposes a punishment for inducing soldiers to desert) shall be amended as follows —

- (a) For the words "any soldier" "a soldier," and "such soldier" wherever those words occur there shall be substituted respectively the words "any officer or soldier," "an officer or soldier," and "such officer or soldier"
- (b) After the word "desert" wherever that word occurs, there shall be inserted the words "or absent himself without leave" after the word "deserting" there shall be inserted the words "or absenting himself without leave," and after the word "deserter" there shall be inserted the words "or absentee without leave"

Amendment  
of s. 156 of  
Army Act.

**12** Sub-section (1) of section one hundred and fifty-six of the Army Act (which imposes penalties in respect of the sale of military necessaries) shall be amended as follows —

- (1) For the words "an officer or soldier or any person acting on his behalf" in paragraph (a) and for the words "an officer or soldier" in paragraphs (b) and (c) there shall be substituted the words "any person."
- (2) After the words "or clothing" there shall be inserted the words "issued for the use of officers or soldiers"
- (3) For the words "or of the person with whom he dealt being or acting for a soldier or that the same was sold by order of the Army Council or some competent military authority," there shall be substituted the words "or that the same was sold by order or with the consent of the Army Council, or some competent military authority or that the same was the personal property of an officer who had retired or ceased to be an officer or of a soldier who had been discharged or of the legal personal representatives of an officer or soldier who had died"

In sub-section (2) of section one hundred and fifty six of the Army Act for the word "to a penalty not exceeding five pound" there shall be substituted the word "to the same penalties as are prescribed in the case of a contravention of the last preceding sub-section"

~~Section 13~~ **13** After section one hundred and fifty six of the Army Act the following section shall be inserted —

16A If —

- (a) any unauthorized person uses or wears any military decoration or medal or medal ribbon or any badge, wound stripe or

emblem supplied or authorised by the Army Council or any decoration, medal, or medal ribbon, badge, wound stripe or emblem so nearly resembling the same as to be calculated to deceive, or

- (b) any person falsely represents himself to be a person who is or has been entitled to use or wear any such decoration, medal or medal ribbon, badge, wound stripe, or emblem as aforesaid, or
- (c) any person without lawful authority or excuse supplies or offers to supply any such decoration or medal as aforesaid to any person not authorised to use or wear the same,

such person shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months

Provided that nothing in this section shall be deemed to prohibit the wearing or supply of ordinary regimental badges or any broach or ornament representing the same "

**14.** In paragraph (1) of sub-section (1) of section one hundred and Amendment sixty-three of the Army Act the words "or by whom the arrest" and <sup>of s. 163 of</sup> Army Act the words "or arrest" shall be omitted

**15.** The following paragraph shall be substituted for paragraph (3a) <sup>Amendment of s. 175 of</sup> Army Act of section one hundred and seventy-five of the Army Act

"(3a) Officers of the territorial force, other than members of the permanent staff, if on the active list at all times, and if on the territorial force reserve, at any time when they are doing duty with any body of troops for the time being subject to military law or are ordered on any duty or service for which as such reserve officers they are liable"

**16.** (1) Section one hundred and seventy-nine A of the Army Act <sup>Amendment of s. 179 A of</sup> Army Act. (which makes provision as to officers or airmen of the Air Force attached to or seconded for service with the regular forces) shall be amended as follows —

Paragraphs (a) and (b) of sub-section (2) shall be omitted.

The following paragraph shall be substituted for paragraph (c) of sub-section (2) —

"(c) the finding and sentence of any general court-martial for the trial of any such officer or airman may be confirmed by His Majesty, or by an officer authorised to confirm the findings and sentences of general courts-martial under the Air Force Act, and not otherwise, except that when such officer or airman while subject to this Act, is serving

beyond the seas with a military force, and in the opinion of the general or other officer commanding that force (such opinion to be stated in the confirmation and to be conclusive) there is not present any officer authorised to confirm the findings and sentences of general courts-martial under the Air Force Act the findings and sentences may be confirmed by a general or other officer authorised to confirm findings and sentences of general courts-martial under this Act

After paragraph (f) the following paragraph shall be inserted —

"(g) The power of a court martial to inflict on an officer the punishment of forfeiture of seniority of rank shall include power to inflict a punishment of forfeiture of seniority of rank in the air force or any corps or unit thereof or both"

At the end of the section the following new section shall be inserted —

'179B In the application of this Act to officers of His Majesty's naval forces who are subject to military law the power of a court martial to inflict the punishment of forfeiture of seniority of rank shall include power to inflict the punishment of forfeiture of seniority of rank in the navy

(2) The finding and sentence of any court martial convened before the commencement of this Act under section one-hundred and seventy nine A of the Army Act may after that date be confirmed in the manner provided for by this Act

<sup>Amendment  
of s. 179 of  
Army Act.</sup> 17 In paragraph (c) of sub-section (2) of section one hundred and eighty of the Army Act (which relates to the application of the Army Act to His Majesty's Indian Forces) after the words "court martial" there shall be inserted the words "or where the case is dealt with summarily under the provisions of this Act the authority having power so to deal with the case"

<sup>Amendment  
of s. 179 of  
Army Act.</sup> 18 (1) In paragraph (f) of section one hundred and ninety of the Army Act (being the definition of "officer") after the words "or part thereof where they occur for the third time there shall be inserted the following words —

"it also includes any officer of His Majesty's naval or air forces who is for the time being subject to military law

(2) This section shall notwithstanding anything in section fourteen of the Army Annual Act 1901 come into operation both within the Islands and elsewhere on the passing of this Act

## SCHEDULE

Section 3.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished . . . . .	Six pence per night.
Breakfast as specified in Part I, of the Second Schedule to the Army Act	Six pence each.
Dinner as so specified . . . . .	One shilling and two pence each
Supper as so specified . . . . .	Four pence each.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat	Six pence per day.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	Two shillings and four pence per day.
Stable room without forage . . . . .	Six pence per day.
Lodging and attendance for officer . . . . .	Two shillings per night

NOTE.—An officer shall pay for his food

## THE TREATY OF PEACE ACT, 1919

(9 &amp; 10 Geo. 5, c. 33.)

*An Act for carrying into effect the Treaty of Peace between His Majesty and certain other Powers*

[31st July, 1919]

WHEREAS, at Versailles, on the twenty-eighth day of June, nineteen hundred and nineteen, a Treaty of Peace (including a protocol annexed thereto), a copy of which has been laid before each House of Parliament, was signed on behalf of His Majesty, and it is expedient that His Majesty should have power to do all such things as may be proper and expedient for giving effect to the said Treaty

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. (1) His Majesty may make such appointments, establish such offices, make such Orders in Council, and do such things as appear to him to be necessary for carrying out the said Treaty, and for giving effect to any of the provisions of the said Treaty

Power of His Majesty to give effect to Peace Treaty

(2) Any Order in Council made under this Act may provide for the imposition by summary process or otherwise, of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made and shall have effect as if enacted in this Act but may be varied or revoked by a subsequent Order in Council and shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act, 1893

<sup>56 & 57</sup>  
Vict., a. c. 20

Provided that if an Address is presented to His Majesty by either House of Parliament within the next twenty-one days on which that House has sat after any Order in Council made under this Act has been laid before it praying that the Order or any part thereof may be annulled His Majesty in Council may annul the Order or such part thereof and it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder

(3) Any expenses incurred in carrying out the said Treaty shall be defrayed out of moneys provided by Parliament

hort title. 2 This Act may be cited as the Treaty of Peace Act 1919

### **THE MERCHANT SHIPPING (WIRELESS TELEGRAPHY) ACT, 1919**

(9 & 10 Geo 5, c 38)

*An Act to make further provision with respect to Wireless Telegraphy on Ships*

[15th August 1919]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same, as follows —

Wise  
1. (1) Every seagoing British ship registered in the United Kingdom being a passenger steamer or a ship of fifteen hundred tons gross tonnage or upwards shall be provided with a wireless telegraph in full working order and shall maintain a wireless telegraph service which shall be at least sufficient to comply with the rules made for the purpose under this Act and shall be provided with one or more certified operator and watchers at least in accordance with the rules.

It is enacted that the Board of Trade may exempt from the obligation set out by this Act any class or classes of ships if they are of opinion that having regard to the nature of the voyages on which the ships are

engaged, or other circumstances of the case, the provision of a wireless telegraph apparatus is unnecessary or unreasonable

(2) The Board of Trade in consultation with the Postmaster-General, shall make rules prescribing the nature of the wireless telegraph installation to be provided, of the services to be maintained, and the number, grade, and qualifications of operators and watchers to be carried

Provided that no ship shall be required to carry more than one operator unless more than one operator would have been required under the provisions of the Merchant Shipping (Convention) Act, 1914

<sup>4 & 5 Geo. 5,</sup> <sup>c. 50</sup> (3) If this section is not complied with in the case of any ship, the master or owner of the ship shall be liable in respect of each offence to a fine not exceeding five hundred pounds, and any such offence may be prosecuted summarily, but, if the offence is prosecuted summarily, the fine shall not exceed one hundred pounds

(4) A surveyor of ships or a wireless telegraphy inspector may inspect any ship for the purpose of seeing that she is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this Act, and for the purpose of that inspection shall have all the powers of a Board of Trade inspector under the Merchant Shipping Acts, 1894 to 1916

If the said surveyor or inspector finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same

Every notice so given shall be communicated in the manner directed by the Board of Trade to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transpire, and the ship shall be detained until a certificate under the hand of any such surveyor or inspector is produced to the effect that the ship is properly provided with wireless telegraph installation and certified operators and watchers in conformity with this Act

(5) The obligations imposed by this Act shall not come into operation while the obligations with respect to wireless telegraphy on ships imposed by the Defence of the Realm Regulations remain in force, but shall be in addition to, and not in substitution for, the obligations as to wireless telegraphy imposed by the Wireless Telegraphy Act, 1904, or any Order in Council, or regulations made thereunder, or by the Merchant Shipping (Convention) Act, 1914

<sup>4 Edw. 7, c.</sup> <sup>24.</sup> 2. The foregoing provisions of this Act shall, as from a date three months after the coming into operation of the obligations imposed by this Act on British ships registered in the United Kingdom, apply to ships other than British ships registered in the United Kingdom while

Application to ships not registered in the United Kingdom.

they are within any port in the United Kingdom in like manner as they apply to British ships so registered.

**3 (1)** This Act may be cited as the Merchant Shipping (Wireless Telegraphy) Act 1919 and the Merchant Shipping Acts, 1894 to 1916, and this Act may be cited together as the Merchant Shipping Acts 1894 to 1919.

**(2)** This Act shall be construed as one with the Merchant Shipping Act 1894<sup>1</sup> and "passenger steamer" shall mean a steamer which carries more than twelve passengers and "wireless telegraphy inspector" means an officer appointed under section twenty of the Merchant Shipping (Convention) Act 1914 for the purposes therein mentioned.

### THE BRITISH MERCANTILE MARINE UNIFORM ACT, 1919

(9 & 10 Geo 5, c 62.)

*An Act to make provision with respect to the British Mercantile Marine Uniform*

[19th August 1919]

WHEREAS by an Order dated the fourth day of September nineteen hundred and eighteen His Majesty in Council was pleased to prescribe a uniform to be worn by the British mercantile marine (which uniform and any other or further uniform which may hereafter be prescribed by Order in Council in connection with the British mercantile marine is in this Act referred to as the British mercantile marine uniform);

And whereas it is expedient to prohibit the wearing of such uniform by unauthorised persons and to make such other provisions in relation thereto as are hereinafter contained;

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

**1 (1)** If any person not being entitled to wear the British mercantile marine uniform wears that uniform or any part thereof or any dress having the appearance or bearing any of the distinctive marks of that uniform he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds or if he wear it in such a manner or in such a place as to be likely to bring contempt

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**9 & 10 Geo. 5, c. 79.]** *The Trade Marks Act, 1919.*

on the uniform, to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a term not exceeding one month

Provided that this section shall not prevent any person from wearing any uniform or dress in the course or for the purposes of a stage play or representation, or a music-hall or circus performance if the uniform is not worn in such a manner or under such circumstances as to bring it into contempt

(2) If any person entitled to wear the British mercantile marine uniform when aboard a ship in port or on shore appears dressed partly not in uniform under such circumstances as to be likely to bring contempt on the uniform, or, being entitled to wear the uniform appropriate to a particular rank or position, wears the uniform appropriate to some higher rank or position, he shall be liable on summary conviction to a fine not exceeding five pounds

**2.** Where the Board of Trade have, whether before or after the passing of this Act, registered under Part II of the Patents and Designs Act, 1907, any design forming part of the British mercantile marine uniform, the Board of Trade shall, notwithstanding anything in section fifty-three of that Act, have a perpetual copyright in the design so long as it remains on the register

**3.** This Act may be cited as the British Mercantile Marine Uniform Act, 1919

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THE TRADE MARKS ACT, 1919

(9 & 10 Geo 5, c 79.)

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ARRANGEMENT OF SECTIONS

PART I

REGISTRATION OF CERTAIN TRADE MARKS NOT REGISTRABLE UNDER  
PRINCIPAL ACT

SECTIONS

- 1 Division of register of trade marks into two parts
- 2 Registration of trade marks in Part B
- 3 Application of certain provisions of principal Act to Part B trade marks
- 4 Effect of registration in Part B
- 5 Power to treat applications for registration in Part A as applications for registration in Part B.

**PART II****PROVISIONS FOR THE PREVENTION OF ABUSES OF TRADE MARKS****SECTIONS**

6 Removal from register of word trade marks used as names of articles

**PART III****GENERAL AMENDMENTS OF PRINCIPAL ACT**

7 Amendment of the law as to registrable trade marks  
 8 Appeals  
 9 Rectification of register  
 10 Costs  
 11 Registration of assignments  
 12 Minor amendments of principal Act  
 13 Short title construction and commencement

**SCHEDULES**

*In Act to amend the Trade Marks Act, 1905*

[*23rd December 1919*]

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same, as follows —

**PART I****REGISTRATION OF CERTAIN TRADE MARKS NOT REGISTRABLE UNDER PRINCIPAL ACT**

*Original 1  
of 10  
Trade marks  
not regis-  
tered  
under  
this Act*

1. (1) The register of trade marks (including the Manchester Register) kept under the Trade Marks Act 1905 (hereinafter referred to as "the principal Act") shall be divided into two parts to be called respectively Part A and Part B.

(2) Part A of the register shall comprise all trade marks entered in the register of trade marks at the commencement of this Act and all trade mark which after the commencement of this Act may be registered under the principal Act.

(3) Part B shall comprise all trade marks registered under this Act and all trade marks entered on or removed thence under this Act.



no injunction, interdict or other relief shall be granted to the owner of the trade mark in respect of such registration, if the defendant establishes to the satisfaction of the court that the user of which the plaintiff complains is not calculated to deceive or to lead to the belief that the goods, the subject of such user were goods manufactured selected, certified dealt with or offered for sale by the proprietor of the trade mark.

Power to treat applications for registration in Part A as applications for registration in Part B. ¶

5 If any person applies for the registration of a trade mark under the principal Act in Part A of the register the registrar may if the applicant is willing, instead of refusing the application treat it as an application for registration in Part B of the register under this Part of this Act and deal with the application accordingly.

## PART II

### PROVISIONS FOR THE PREVENTION OF ABUSES OF TRADE MARKS

Removal from register of word trade marks used as names of articles. ¶

6 (1) Where in the case of an article or substance manufactured under any patent in force at or granted after the passing of this Act a word trade mark registered under the principal Act or Part I of this Act is the name or only practicable name of the article or substance so manufactured all rights to the exclusive use of such trade mark, whether under the common law or by registration (and notwithstanding the provisions of section forty-one of the principal Act) shall cease upon the expiration or determination of the patent and thereafter such word shall not be deemed a distinctive mark and may be removed by the court from the register on the application of any person aggrieved.

(2) No word which is the only practicable name or description of any single chemical element or single chemical compound as distinguished from a mixture shall be registered as a trade mark and any such word now or hereafter on the register may notwithstanding section forty-one of the principal Act be removed by the court from the register on the application of any person aggrieved:

Provided that—

(i) the provision of this subsection shall not apply where the mark is used to denote only the proprietor's brand or make of such substance as distinguished from the substance as made by others and in a variation with a suitable and practicable name open to the public use and

(ii) in the case of marks registered before the passing of this Act no application under this section for the removal of the mark from the register shall be entertained until after the expiration of four years from the passing of this Act.

(3) The power to remove a trade mark from the register conferred by this section shall be in addition to, and not in derogation of, any other powers of the court in respect of the removal of trade marks from the register

(4) The provisions contained in Part III of this Act, authorising applications for the rectification of the register to be made in the first instance to the registrar instead of to the court, shall apply to applications under this section.

### PART III

#### GENERAL AMENDMENTS OF PRINCIPAL ACT

7. In paragraph (5) of section nine of the principal Act (which Amendment defines the particulars which registrable trade marks must contain or consist of) for the words "except by order of the Board of Trade or the court be deemed a distinctive mark," there shall be substituted the words "be registrable under the provisions of this paragraph, except upon evidence of its distinctiveness"

8. (1) All appeals from the decisions of the registrar under section fourteen of the principal Act shall be made to the court, and an appeal shall not lie from any such decision to the Board of Trade, and accordingly that section shall have effect, subject to the modifications set forth in the Second Schedule to this Act

Provided that nothing in this sub-section shall affect any appeal which may be pending at the commencement of this Act

(2) In any appeal from the decision of the registrar to the court under the principal Act or this Act the court shall have and exercise the same discretionary powers as under the principal Act or this Act as conferred upon the registrar

9. (1) Any application for the rectification of the register or the removal of any trade mark from the register in respect of any goods which, under section thirty-five or section thirty-seven of the principal Act or under Part II of this Act, is to be made to the court, may, at the option of the applicant, be made in the first instance to the registrar

Provided that no such application shall be made otherwise than to the court where an action concerning the trade mark ~~in question~~ is pending

(2) The registrar may, at any stage of the proceedings, refer any such application to the court or he may, after hearing the parties, determine the question between them, subject to appeal to the court

no injunction, interdict or other relief shall be granted to the owner of the trade mark in respect of such registration, if the defendant establishes to the satisfaction of the court that the user of which the plaintiff complains is not calculated to deceive or to lead to the belief that the goods the subject of such user were goods manufactured selected, certified dealt with or offered for sale by the proprietor of the trade mark

*Power to treat applications for registration in Part A as applications for registration in Part B.*

5 If any person applies for the registration of a trade mark under the principal Act in Part A of the register the registrar may if the applicant is willing instead of refusing the application treat it as an application for registration in Part B of the register under this Part of this Act and deal with the application accordingly

## PART II

### PROVISIONS FOR THE PREVENTION OF ABUSES OF TRADE MARKS

*Removal from register of word trade marks used as names of articles.*

6 (1) Where in the case of an article or substance manufactured under any patent in force or granted after the passing of this Act, a word trade mark registered under the principal Act or Part I of this Act is the name or only practicable name of the article or substance so manufactured all rights to the exclusive use of such trade mark, whether under the common law or by registration (and notwithstanding the provisions of section forty-one of the principal Act) shall cease upon the expiration or determination of the patent and thereafter such word shall not be deemed a distinctive mark and may be removed by the court from the register on the application of any person aggrieved

(2) No word which is the only practicable name or description of any single chemical element or single chemical compound or distinguished from a mixture shall be registered as a trade mark and any such word now or hereafter on the register may notwithstanding section forty-one of the principal Act be removed by the court from the register on the application of any person aggrieved

Provided that—

(a) the provision of this subsection shall not apply where the mark is used to denote only the proprietor's brand or make of such article as distinguished from the article as made by other and in association with a suitable and practicable name open to the public use and

(b) in the case of marks registered before the passing of this Act no application under this section for the removal of the mark from the register shall be entertained after the registration of forty years from the passing of this Act

(3) The power to remove a trade mark from the register conferred by this section shall be in addition to, and not in derogation of, any other powers of the court in respect of the removal of trade marks from the register.

(4) The provisions contained in Part III of this Act, authorising applications for the rectification of the register to be made in the first instance to the registrar instead of to the court, shall apply to applications under this section.

### PART III

#### GENERAL AMENDMENTS OF PRINCIPAL ACT

7 In paragraph (5) of section nine of the principal Act (which defines the particulars which registrable trade marks must contain or consist of) for the words "except by order of the Board of Trade or the court be deemed a distinctive mark," there shall be substituted the words "be registrable under the provisions of this paragraph, except upon evidence of its distinctiveness"

8 (1) All appeals from the decisions of the registrar under section fourteen of the principal Act shall be made to the court, and an appeal shall not lie from any such decision to the Board of Trade, and accordingly that section shall have effect, subject to the modifications set forth in the Second Schedule to this Act

Provided that nothing in this sub-section shall affect any appeal which may be pending at the commencement of this Act

(2) In any appeal from the decision of the registrar to the court under the principal Act or this Act the court shall have and exercise the same discretionary powers as under the principal Act or this Act as conferred upon the registrar

9 (1) Any application for the rectification of the register or the removal of any trade mark from the register in respect of any goods which, under section thirty-five or section thirty-seven of the principal Act or under Part II of this Act, is to be made to the court, may, at the option of the applicant, be made in the first instance to the registrar

Provided that no such application shall be made otherwise than to the court where an action concerning the trade mark in question is pending

(2) The registrar may, at any stage of the proceedings, refer any such application to the court or he may, after hearing the parties, determine the question between them, subject to appeal to the court

(3) In any proceedings for the rectification of the register under this Act or under section thirty five of the principal Act as amended by this section, the court or the registrar shall in addition to the powers conferred by that section as so amended, have power to direct a trade mark entered in Part A of the register to be removed to Part B of the register.

Costs.

10 In all proceedings before the registrar under the principal Act or this Act the registrar shall have power to award to any party such costs as he may consider reasonable and to direct how and by what parties they are to be paid and any such order may be made a rule of court.

Registration  
of assign-  
ments.

11. For section thirty three of the principal Act the following section shall be substituted —

' 33 (1) Where a person becomes entitled by assignment transmission or other operation of law to a registered trade mark he shall make application to the registrar to register his title and the registrar shall on receipt of such application and on proof of title to his satisfaction register him as the proprietor of the trade mark and shall cause an entry to be made in the prescribed manner on the register of the assignment transmission or other instrument effecting the title. Any decision of the registrar under this section shall be subject to appeal to the court.

(2) Except in cases of appeal under this section and applications made under section thirty five of this Act a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of sub-section (1) aforesaid shall not be admitted in evidence in any court in proof of the title to a trade mark unless the court otherwise directs.

Amendments  
relating to  
Schedule I.

12. The amendments specified in the second column of the Second Schedule to this Act which relate to minor details shall be made in the provisions of the principal Act specified in the first column of that schedule.

Section  
13.

13 (1) This Act may be cited as the Trade Marks Act 1910, and the Trade Marks Acts 1881 and 1911 and so much of the Patent and Design Act 1907 to 1910 as relates to trade marks and this Act may be cited together as the Trade Marks Acts 1881 to 1910.

(2) This Act shall be construed in accordance with the principal Act and shall come into operation on the first day of April next or the first day of Twenty

## SCHEDULES

Section 3.

## FIRST SCHEDULE.

## PROVISIONS OF PRINCIPAL ACT NOT APPLIED.

No. of Section.	Subject-matter.
1 . . . . .	Short title.
2 . . . . .	Commencement of Act.
6 . . . . .	Incorporation of existing register.
9 . . . . .	Registrable trade marks.
12 . . . . .	Application for registration
14(9) . . . . .	Modification of trade mark on appeals.
15 . . . . .	Disclaimers.
24 . . . . .	Associated trade marks.
25 . . . . .	Combined trade marks.
27 . . . . .	Assignment and user of associated trade marks.
31 . . . . .	Status of unrenewed trade marks.
36 . . . . .	Trade marks registered under previous Acts.
39 (except proviso) . . . . .	Rights of proprietor of trade mark.
41 down to the words "against the provisions of section eleven of this Act."	Registration to be conclusive after seven years.
42 . . . . .	Unregistered trade mark.
62 . . . . .	Standardization, etc., of trade marks.
73 . . . . .	Repeal and saving for rules, etc.

Sections 8  
and 12.

## SECOND SCHEDULE

## MINOR AMENDMENTS OF PRINCIPAL ACT

Section Amended.	Nature of Amendment.
Section 12	<p>At the end of sub-section (2) there shall be inserted the following words "or to such limitations, if any as to mode or place of user or otherwise as he may think right to impose"</p> <p>In sub-section (4) after the words "modifications, if any" shall be inserted the words "or to what limitations, if any as to mode or place of user or otherwise."</p>
Section 13	<p>After the word "conditions" in both places where it occurs there shall be inserted the words "and limitations".</p> <p>At the end of the section there shall be inserted the words "Provided that an application under the provisions of sub-section (3) of section nine of this Act may be advertised by the registrar on receipt of such application and before acceptance."</p>
Section 14	<p>In sub-section (4), after the word "conditions" there shall be inserted the following words "or what limitations as to mode or place of user or otherwise."</p> <p>In sub-section (5) the words "or with the consent of the parties to the Board of Trade" shall be repealed.</p> <p>In sub-section (6) the words "the Board of Trade or" and "as the case may be" shall be repealed; and after the words "conditions, if any" there shall be inserted the words "or what limitations, if any as to mode or place of user or otherwise"</p> <p>  Sub-section (10) shall be repealed.</p>
Section 16	After the words "the registrar shall" there shall be inserted the words "unless the mark has been accepted in error or"
Section 17	After the word "court" there shall be inserted the words "or registrar" in each case.
	Delete the words "as it may think fit to impose" and insert "as the court or the registrar as the case may be may think fit to impose"
Section 22	<p>At the end of the section there shall be added the following words "and the enjoyment of such right to use the name shall constitute the owner of a proprietor of a separate trade mark for the goods or services to any one of this Act subject to such conditions and limitations as may be imposed under that section"</p>
Section 23	After the words "modifications, if any" there shall be inserted the words "and to such limitations, if any as to mode or place of user"

Section Amended	Nature of Amendment
Section 24	After the words "registration of a trade mark" there shall be inserted the words "identical with or"
Section 34	After the word "terms" there shall be inserted the words "and subject to such limitations as to mode or place of user"
Section 41	In the proviso, after the words "anterior to the user" there shall be inserted the words "or registration, whichever is the earlier"
Section 43	For section forty-three the following section shall be substituted "In any action or proceeding relating to a trade mark or trade name the tribunal shall admit evidence of the usages of the trade concerned and of any relevant trade mark or trade name or get up legitimately used by other persons"
Section 62	For the words "Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy or other characteristics and certifies the result of such examination by mark used upon or in connection with such goods, the Board of Trade may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying," there shall be substituted the words "Where any association or person undertakes to certify the origin, material, mode of manufacture, quality, accuracy or other characteristic of any goods by mark used upon or in connection with such goods, the Board of Trade, if and so long as they are satisfied that such association or person is competent to certify as aforesaid, may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such certifying"
Section 64	Sub-section (10) (a) shall be repealed In sub-section (10) (c) the word "word" shall be omitted.

**THE ALIENS RESTRICTION (AMENDMENT) ACT, 1919.**

(9 &amp; 10 Geo. 5, c. 92.)

**ARRANGEMENT OF SECTIONS***Continuance and extension of emergency powers***SECTION.**

- 1 Continuance of emergency power
2. Extension of powers.

*Further restrictions of aliens*

**SECTIONS**

- 3 Incitement to sedition etc
- 4 Pilotage certificates
- 5 Employment of aliens in ships of the mercantile marine
- 6 Appointment of aliens to the Civil Service
- 7 Restriction of change of name by aliens
- 8 Provisions as to aliens on juries.

*Special provisions as to former enemy aliens*

- 9 Deportation of former enemy aliens
- 10 Admission of former enemy aliens
- 11 Temporary restriction on acquisition by former enemy aliens  
of certain kinds of property
- 12 Employment of former enemy aliens in British ships

*General*

- 13 Offences and penalties
- 14 Saving for diplomatic persons etc
- 15 Definitions
- 16 Short title and repeal

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*An Act to continue and extend the provisions of the Aliens Restriction  
Act, 1914*

[23rd December, 1919.]

Be it enacted by the King's Most Excellent Majesty by and with  
the advice and consent of the Lords Spiritual and Temporal, and Com-  
mons, in this present Parliament assembled, and by the authority  
of the same as follows —

*Continuance and Extension of Emergency Powers*

1 (1) The powers which under sub-section (1) of section one of <sup>4 & 5 Ge-</sup>  
the Aliens Restriction Act, 1914 (which Act as amended by this Act, <sup>4 & 12</sup>  
is hereinafter in this Act referred to as the principal Act) are exer-  
cisable with respect to aliens at any time when a state of war exists

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<sup>1</sup>Section 1 of the Act continued until 31st December 1914, vide s. 2 of the  
Expiring Laws Act 1923 (13 & 14 Geo. 5 c. 6) infra.

between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, shall, for a period of one year after the passing of this Act, be exercisable, not only in those circumstances, but at any time, and accordingly that sub-section shall, for such period as aforesaid, have effect as though the words "at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen" were omitted.

(2) Any order made under the principal Act during the currency of this section shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such order is laid before it praying that the order may be annulled His Majesty in Council may annul the order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder

Provided that this provision shall not apply in the case of an order the operation of which is limited to a time when a state of war exists between His Majesty and any foreign power or when it appears that an occasion of imminent national danger or great emergency has arisen

2. (1) Sub-section (1) of section one of the principal Act shall be amended by the addition at the end thereof of the following paragraph — Extension of powers

(i) for determining what nationality is to be ascribed to aliens in doubtful circumstances and for disregarding, in the case of any person against whom a deportation or expulsion order has been made, any subsequent change of nationality

(2) For the purpose of enforcing the provisions of any Treaty of Peace concluded or to be concluded between His Majesty and any Power with which His Majesty was at war in the year nineteen hundred and eighteen, His Majesty may by Order in Council under the principal Act make regulations requiring information to be given as to the property, liabilities, and interests of former enemy aliens, and for preventing (without notice or authority) the transfer of or other dealings with the property of such aliens

#### *Further Restrictions of Aliens.*

3. (1) If any alien attempts or does any act calculated or likely to Incitement to sedition, etc cause sedition or disaffection amongst any of His Majesty's Forces or the forces of His Majesty's allies, or amongst the civilian population, he shall be liable on conviction on indictment to penal servitude for a

term not exceeding ten years, or on summary conviction to imprisonment for a term not exceeding three months

(2) If any alien promotes or attempts to promote industrial unrest in any industry in which he has not been *bond fide* engaged for at least two years immediately preceding in the United Kingdom, he shall be liable on summary conviction to imprisonment for a term not exceeding three months

4 No alien shall hold a pilotage certificate for any pilotage district in the United Kingdom except that the provisions of section twenty four of the Pilotage Act 1913 shall continue to apply to the renewal and issue of certificates entitling a master or mate of French nationality to navigate his ship into the ports of Newhaven or Grimsby

5 (1) No alien shall act as master chief officer or chief engineer of a British merchant ship registered in the United Kingdom or as skipper or second hand of a fishing boat registered in the United Kingdom except in the case of a ship or boat employed habitually in voyages between ports outside the United Kingdom.

Provided that this prohibition shall not apply to any alien who has acted as a master chief officer or chief engineer of a British ship or as skipper or second hand of a British fishing boat at any time during the war and is certified by the Admiralty to have performed good and faithful service in that capacity

(2) No alien shall be employed in any capacity on board a British ship registered in the United Kingdom at a rate of pay less than the standard rate of pay for the time being current on British ships for his rating

Provided that where the Board of Trade are satisfied that aliens of any particular race (other than former enemy aliens) are habitually employed afloat in any capacity or in any climate for which they are specially fitted nothing in this section shall prejudice the right of aliens of such race to be employed upon British ships at rates of pay which are not below those for the time being fixed as standard rates for British subjects of that race

(3) No alien shall be employed in any capacity on board a British ship registered in the United Kingdom unless he has produced to the officer before whom he is engaged satisfactory proof of his nationality

(4) Any person who engages an alien for employment on a British ship in contravention of the provisions of this section shall be guilty of an offence under this Act

6 After the passing of this Act no alien shall be appointed to any office or place in the Civil Service of the State

7. (1) An alien shall not for any purpose assume or use or purport to assume or use or continue after the commencement of this Act the assumption or use of any name other than that by which he was ordinarily known on the fourth day of August nineteen hundred and fourteen.

(2) Where any alien carries on or purports or continues to carry on, or is a member of a partnership or firm which carries on, or which purports or continues to carry on any trade or business in any name other than that under which the trade or business was carried on on the fourth of August nineteen hundred and fourteen, he shall, for the purpose of this section, be deemed to be using or purporting or continuing to use a name other than by which he was ordinarily known on the said date

(3) A Secretary of State may, if it appears desirable on special grounds in any particular case, grant an exemption from the provisions of this section, but shall not do so unless he is satisfied that the name proposed to be assumed, used, or continued is in the circumstances of the case a suitable name

(4) Nothing in this section shall—

(a) affect the assumption or use or continued assumption or use of any name in pursuance of a Royal licence, or

(b) affect the continuance of the use by any person of a name which he has assumed before the commencement of this Act if he has been granted an exemption under the Defence of the Realm regulations or the Aliens Restriction Order in force on the first day of January nineteen hundred and nineteen, or

(c) prevent the assumption or use by a married woman of her husband's name

(5) A fee of ten guineas shall be paid by any alien on obtaining an exemption under this section, but the Secretary of State may remit the whole or any part of such fee in special cases

(6) A list of the persons to whom the Secretary of State has granted an exemption under this section shall be published in the Gazette as soon as may be after the granting of the exemption

(7) Any person to whom any such exemption is granted shall, unless the Secretary of State shall expressly dispense with such publication, within one calendar month thereafter publish at his own expense, in some paper circulating in the district in which he resides, an advertisement stating the fact that the exemption has been granted

8. No alien shall sit upon a jury in any judicial or other proceedings if challenged by any party to such proceedings

Provisions as  
to aliens on  
juries

term not exceeding ten years, or on summary conviction to imprisonment for a term not exceeding three months

(2) If any alien promotes or attempts to promote industrial unrest in any industry in which he has not been *bond fide* engaged for at least two years immediately preceding in the United Kingdom, he shall be liable on summary conviction to imprisonment for a term not exceeding three months

**Pilotage certificates.**  
4. No alien shall hold a pilotage certificate for any pilotage district in the United Kingdom except that the provisions of section twenty four of the Pilotage Act 1913 shall continue to apply to the renewal and issue of certificates entitling a master or mate of French nationality to navigate his ship into the ports of Newhaven or Grimsby

5. (1) No alien shall act as master chief officer or chief engineer of a British merchant ship registered in the United Kingdom or as skipper or second hand of a fishing boat registered in the United Kingdom except in the case of a ship or boat employed habitually in voyages between ports outside the United Kingdom.

Provided that this prohibition shall not apply to any alien who has acted as a master chief officer or chief engineer of a British ship or as skipper or second hand of a British fishing boat at any time during the war and is certified by the Admiralty to have performed good and faithful service in that capacity

(2) No alien shall be employed in any capacity on board a British ship registered in the United Kingdom at a rate of pay less than the standard rate of pay for the time being current on British ships for his rating

Provided that where the Board of Trade are satisfied that aliens of any particular race (other than former enemy aliens) are habitually employed afloat in any capacity or in any climate for which they are specially fitted nothing in this section shall prejudice the right of aliens of such race to be employed upon British ships at rates of pay which are not below those for the time being fixed as standard rates for British subjects of that race

(3) No alien shall be employed in any capacity on board a British ship registered in the United Kingdom unless he has produced to the officer before whom he is engaged satisfactory proof of his nationality

(4) Any person who engages an alien for employment on a British ship in contravention of the provisions of this section shall be guilty of an offence under this Act

**Appointment of aliens to the Civil Service.**  
6. After the passing of this Act no alien shall be appointed to any office or place in the Civil Service of the State

7. (1) An alien shall not for any purpose assume or use or purport to assume or use or continue after the commencement of this Act the assumption or use of any name other than that by which he was ordinarily known on the fourth day of August nineteen hundred and fourteen. [Restriction of change of name by aliens]

(2) Where any alien carries on or imports or continues to carry on, or is a member of a partnership or firm which carries on, or which purports or continues to carry on any trade or business in any name other than that under which the trade or business was carried on on the fourth of August nineteen hundred and fourteen, he shall, for the purpose of this section be deemed to be using or importing or continuing to use a name other than by which he was ordinarily known on the said date.

(3) A Secretary of State may, if it appears desirable on special grounds in any particular case grant an exemption from the provisions of this section, but shall not do so unless he is satisfied that the name proposed to be assumed, used, or continued is in the circumstances of the case a suitable name.

(4) Nothing in this section shall—

(a) affect the assumption or use or continued assumption or use of any name in pursuance of a Royal licence, or

(b) affect the continuance of the use by any person of a name which he has assumed before the commencement of this Act if he has been granted an exemption under the Defence of the Realm regulations or the Aliens Restriction Order in force on the first day of January nineteen hundred and nineteen, or

(c) prevent the assumption or use by a married woman of her husband's name.

(5) A fee of ten guineas shall be paid by any alien on obtaining an exemption under this section, but the Secretary of State may remit the whole or any part of such fee in special cases.

(6) A list of the persons to whom the Secretary of State has granted an exemption under this section shall be published in the Gazette as soon as may be after the granting of the exemption.

(7) Any person to whom any such exemption is granted shall, unless the Secretary of State shall expressly dispense with such publication, within one calendar month thereafter publish at his own expense, in some paper circulating in the district in which he resides, an advertisement stating the fact that the exemption has been granted.

8. No alien shall sit upon a jury in any judicial or other proceedings if challenged by any party to such proceedings. [Provisions relating to aliens in Juries]

*Special Provisions as to former Enemy Aliens*

Deportation  
of former  
enemy aliens

9 (1) Every former enemy alien who is now in the United Kingdom and to whom this section applies shall be deported forthwith unless the Secretary of State on the recommendation of the advisory committee, to be constituted under this section, shall grant him a licence to remain

(2) The Secretary of State may if he is satisfied on the recommendation of the said advisory committee that there is no reason to the contrary grant such licence subject to such terms and conditions (if any) as he shall think fit

(3) This section shall apply to any former enemy alien now in the United Kingdom (not being a former enemy alien exempted from internment or repatriation on the recommendation of any advisory committee appointed after the first day of January nineteen hundred and eighteen and before the passing of this Act) as to whom there shall be delivered to the Secretary of State within two months after the passing of this Act a statement in writing signed by any credible person to the effect that the continued residence in the United Kingdom of that alien is for reasons relating to the alien undesirable in the public interest and giving particulars of the allegation upon which such reasons are based

(4) The Secretary of State shall refer all such statements to the advisory committee to be constituted under this section and the committee shall thereupon require each alien affected to make to the committee within one month in a form prescribed by the committee an application to be allowed to remain in the United Kingdom stating the general grounds on which the application is based and the answer of the alien to the allegations made in relation to him, and the committee shall examine into such allegations and in the result may—

- (a) recommend that the alien be immediately deported or
- (b) if satisfied that the allegations are groundless or insufficient, and that the alien affected holds an exemption recommended by any advisory committee appointed in the year nineteen hundred and fifteen recommend that such exemption be not disturbed or
- (c) in any case in which it seems to them right and proper so to do recommend that the alien be granted a licence to remain subject to such terms and conditions (if any) as may appear to them to be fitting in the circumstances

(5) In granting a licence under this section the Secretary of State may include in the licence the wife of the applicant and any child or children of his and such inclusion shall notwithstanding anything in this section have the same effect as the grant of a licence

(6) A list of the persons to whom such licence is granted shall, as soon as may be, after the granting of the licence, be published in the Gazette

(7) Any licence so granted may be at any time revoked by the Secretary of State

(8) If such licence is not granted, or if, having been granted, it is revoked, the Secretary of State shall make an order (in this Act referred to as a deportation under) requiring the alien to leave the United Kingdom and thereafter to remain out of the United Kingdom so long as the order remains in force. The Secretary of State may, by a deportation order, require the alien to return to the country of which he is a subject or citizen

(9) The provisions of this section shall be in addition to and not in derogation of any other provisions of the principal Act or this Act or any Order in Council made thereunder

(10) The Secretary of State shall appoint an advisory committee for the purpose of this section, consisting of a chairman and such other persons including members of both Houses of Parliament, as the Secretary of State may think fit

(11) This section shall not apply to any subject of the Ottoman Empire who holds a certificate issued by a police authority, or by or under the direction of the Secretary of State, granting exemption from any provisions of Part II of the Aliens Restriction Order in force on the first day of January nineteen hundred and nineteen, applicable to alien enemies

10. (1) No former enemy alien shall, for a period of three years after the passing of this Act, be permitted to land in the United Kingdom either from the sea or from the air, or if he should land without permission, to remain in the United Kingdom, without the permission of the Secretary of State, to be granted only on special grounds, and such permission shall, save as hereinafter provided, be limited in duration to a period of three months, and may, upon special grounds, be renewed from time to time for a like period

Admission  
of former  
enemy aliens.

(2) A list of the persons to whom permissions are so granted during each month shall be published in the London Gazette as soon as practicable after the end of each such month

(3) The requirement of this section that permission to remain in the United Kingdom shall be limited to a period of three months shall not apply to a former enemy alien who was resident in the United Kingdom at the date of the passing of this Act, and after a temporary absence abroad returns to the United Kingdom

(4) Where any former enemy alien formerly resident in the United Kingdom and having a British born wife or a British born child under the age of sixteen still resident in the United Kingdom, applies within three months from the passing of this Act to the Secretary of State for permission to land in the United Kingdom the Secretary of State shall refer the application to the advisory committee constituted under the last foregoing section of this Act and if that committee recommends that he be permitted to land he shall be so permitted, and the requirement of this section that permission to remain in the United Kingdom shall be limited to a period of three months shall not apply

Temporary  
restriction on  
acquisition  
by former  
enemy aliens  
of certain  
kinds of  
property

11 (1) During a period of three years from the passing of this Act it shall not be lawful for a former enemy alien either in his own name or in the name of a trustee or trustees to acquire property of any of the following descriptions that is to say—

- (a) Any land or any interest in any land in the United Kingdom, or
- (b) Any interest in a key industry or any share or interest in a share in a company registered in the United Kingdom which carries on any such industry or
- (c) Any share or interest in a share in a company owning a British ship registered in the United Kingdom

(2) If any such property as aforesaid is acquired in contravention of this section the Board of Trade may on an application made to them for the purpose by order vest the property in the Public Trustee

Any such order may contain provisions applying for the purposes of the order with such modifications as the Board think necessary, any of the provisions of section 4 of the Trading with the Enemy Amendment Act 1916 or any enactment referred to in that section

3 & 4 G  
c. 106.

(3) For the purpose of this section—

The expression key industry means any industry included in a list declared by the Board of Trade to be a list of key industries for the purposes of this section,

The expression share includes any stock forming part of the capital of a company and securities of any description issued by a company

The expression interest in land does not include a tenancy for a period not exceeding three years at a rackrent

(4) Any list of key industries prepared by the Board of Trade under this section shall be published as soon as it is made in the London Gazette and may be varied or amended by the Board from time to time

**12** No former enemy alien shall be employed or shall act as master, officer or member of the crew of a British ship registered in the United Kingdom

Employment  
of former  
enemy aliens  
in British  
ships

*General*

**13.** (1) If any person acts in contravention of, or fails to comply with, the provisions of this Act or any order or rules made or conditions imposed thereunder, he shall be guilty of an offence against this Act

(2) If any person aids or abets any person in any contravention of this Act or knowingly harbours any person whom he knows or has reasonable ground for believing to have acted in contravention of this Act, he shall be guilty of an offence against this Act

(3) Where a person lands in the United Kingdom in contravention of this Act, the master of the ship or the pilot or commander of the aircraft from which he lands shall, unless he proves to the contrary, be deemed to have aided and abetted the offence.

(4) A person who is guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding six months, or, on a second or subsequent conviction, twelve months, or, in either case, to both such fine and imprisonment

**14.** (1) Nothing in this Act contained shall be construed as imposing any restriction or disability on any duly accredited head of a foreign diplomatic mission or any member of his official staff or household

Saving for  
diplomatic  
persons, etc.

(2) The Secretary of State may exempt from any of the special provisions of this Act as to former enemy aliens any consul or vice-consul to whom His Majesty is pleased to grant an exequatur and the wife and child of any such consul or vice-consul

**15.** The expression "former enemy alien" means an alien who is a subject or citizen of the German Empire or any component state thereof, or of Austria, Hungary, Bulgaria, or Turkey, or who, having at any time been such subject or citizen, has not changed his allegiance as result of the recognition of new states or territorial re-arrangements, or been naturalised in any other foreign state or in any British Possession in accordance with the laws thereof and when actually resident therein, and does not retain according to the law of his state of origin the nationality of that state

Provided that the special provisions of this Act as to former enemy aliens, except the provisions of sub-section (2) of section two of this Act, shall not apply to any woman who was at the time of her marriage a British subject

(4) Where any former enemy alien, formerly resident in the United Kingdom and having a British born wife or a British born child under the age of sixteen still resident in the United Kingdom, applies within three months from the passing of this Act, to the Secretary of State for permission to land in the United Kingdom the Secretary of State shall refer the application to the advisory committee constituted under the last foregoing section of this Act and if that committee recommends that he be permitted to land he shall be so permitted, and the requirement of this section that permission to remain in the United Kingdom shall be limited to a period of three months shall not apply

Temporary  
restriction on  
acquisition of  
property by former  
enemy aliens  
of certain  
kinds of

11. (1) During a period of three years from the passing of this Act it shall not be lawful for a former enemy alien, either in his own name or in the name of a trustee or trustees to acquire property of any of the following descriptions that is to say—

- (a) Any land or any interest in any land in the United Kingdom,  
or
- (b) Any interest in a key industry or any share or interest in a share in a company registered in the United Kingdom which carries on any such industry or
- (c) Any share or interest in a share in a company owning a British ship registered in the United Kingdom

(2) If any such property as aforesaid is acquired in contravention of this section the Board of Trade may on an application made to them for the purpose by order vest the property in the Public Trustee

Any such order may contain provisions applying for the purposes of the order with such modifications as the Board think necessary any of the provisions of section 4 of the Trading with the Enemy Amendment Act 1916 or any enactment referred to in that section

5 & 6 Ge  
c. 105.

(3) For the purpose of this section—

The expression key industry means any industry included in a list declared by the Board of Trade to be a list of key industries for the purposes of this section

The expression share includes any stock forming part of the capital of a company and securities of any description issued by a company

The expression interest in land does not include a tenancy for a period not exceeding three years at a rackrent

(4) Any list of key industries prepared by the Board of Trade under this section shall be published as soon as it is made in the London Gazette and may be varied or amended by the Board from time to time

**12.** No former enemy alien shall be employed or shall act as master, officer or member of the crew of a British ship registered in the United Kingdom

Employment  
of former  
enemy aliens  
in British  
ships

*General*

**13** (1) If any person acts in contravention of, or fails to comply with, the provisions of this Act or any order or rules made or conditions imposed thereunder, he shall be guilty of an offence against this Act

(2) If any person aids or abets any person in any contravention of this Act or knowingly harbours any person whom he knows or has reasonable ground for believing to have acted in contravention of this Act, he shall be guilty of an offence against this Act

(3) Where a person lands in the United Kingdom in contravention of this Act, the master of the ship or the pilot or commander of the aircraft from which he lands shall, unless he proves to the contrary, be deemed to have aided and abetted the offence

(4) A person who is guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding six months, or, on a second or subsequent conviction, twelve months, or, in either case, to both such fine and imprisonment

**14** (1) Nothing in this Act contained shall be construed as imposing any restriction or disability on any duly accredited head of a foreign diplomatic mission or any member of his official staff or household

Saving for  
diplomatic  
persons, etc.

(2) The Secretary of State may exempt from any of the special provisions of this Act as to former enemy aliens any consul or vice-consul to whom His Majesty is pleased to grant an exequatur and the wife and child of any such consul or vice-consul

**15.** The expression "former enemy alien" means an alien who is a subject or citizen of the German Empire or any component state thereof, or of Austria, Hungary, Bulgaria, or Turkey, or who, having at any time been such subject or citizen, has not changed his allegiance as result of the recognition of new states or territorial rearrangements, or been naturalised in any other foreign state or in any British Possession in accordance with the laws thereof and when actually resident therein, and does not retain according to the law of his state of origin the nationality of that state

Provided that the special provisions of this Act as to former enemy aliens, except the provisions of sub-section (2) of section two of this Act, shall not apply to any woman who was at the time of her marriage a British subject

Short title  
and repeal.

**16** (1) This Act may be cited as the Aliens Restriction (Amendment) Act 1919, and the principal Act and this Act may be cited together as the Aliens Restriction Acts 1914 and 1919

(2) The Aliens Act 1905 is hereby repealed as from such date<sup>1</sup> or dates as may be specified by Order in Council made under the principal Act, and any such order may fix different dates for the repeal of different provisions of the said Act but an order under the principal Act may incorporate (with or without modifications) any of the provisions of the said Act

Provided that any order or appointment made or action taken under the said Act shall notwithstanding any such repeal as aforesaid continue in force as though it had been made or taken under an Order in Council under the principal Act subject however to any provisions of any such order

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THE GOVERNMENT OF INDIA ACT 1919

(9 & 10 Geo 5, c 101.)

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ARRANGEMENT OF SECTIONS

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2. Borrowing powers of local governments
3. Revised system of local government in certain provinces
4. Appointment of ministers and council secretaries
5. Qualification of members of local executive councils
6. Business of governor in council and governor with ministers
7. Composition of governors' legislative councils
8. Sessions and duration of governors' legislative councils
9. Presidents of governors' legislative councils
10. Powers of local legislatures
11. Business and procedure in governors' legislative councils
12. Return and reservation of Bills
13. Provision for case of failure to pass legislation in governors' legislative councils

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<sup>1</sup> 17th April 1920 sec. 26 (3) of the Aliens Order 1920 London Gazette 1920 p 363

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SCHEDULES

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An Act to make further provision with respect to the Government of India

[23rd December 1919]

WHEREAS it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration and for the gradual development of self governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the empire

And whereas progress in giving effect to this policy can only be achieved by successive stages and it is expedient that substantial steps in this direction should now be taken

And whereas the time and manner of each advance can be determined only by Parliament upon whom responsibility lies for the welfare and advancement of the Indian peoples

And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility

And whereas concurrently with the gradual development of self governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

## PART I

### LOCAL GOVERNMENTS

<sup>1</sup>1. (1) Provision may be made by rules under the Government of India Act, 1915, as amended by the Government of India (Amendment) Act, 1916 (which Act, as so amended, is in this Act referred to as "the principal Act")—

- (a) for the classification of subjects, in relation to the functions of government, as central and provincial subjects, for the purpose of distinguishing the functions of local governments and local legislatures from the functions of the Governor-General in Council and the Indian legislature;
- (b) for the devolution of authority in respect of provincial subjects to local governments, and for the allocation of revenues or other moneys to those governments;
- (c) for the use under the authority of the Governor-General in Council of the agency of local governments in relation to central subjects, in so far as such agency may be found convenient, and for determining the financial conditions of such agency; and
- (d) for the transfer from among the provincial subjects of subjects (in this Act referred to as "transferred subjects") to the administration of the governor acting with ministers appointed under this Act, and for the allocation of revenues or moneys for the purpose of such administration

(2) Without prejudice to the generality of the foregoing powers, rules made for the above-mentioned purposes may—

- (i) regulate the extent and conditions of such devolution, allocation, and transfer,
- (ii) provide for fixing the contributions payable by local governments to the Governor-General in Council, and making such contributions a first charge on allocated revenues or moneys,
- (iii) provide for constituting a finance department in any province, and regulating the functions of that department,

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<sup>1</sup>This section came into operation on 17th July, 1920, see Gazette of India, 1920, Pt I, p 1853

- (iv) provide for regulating the exercise of the authority vested in the local government of a province over members of the public services therein,
- (v) provide for the settlement of doubts arising as to whether any matter does or does not relate to a provincial subject or a transferred subject, and for the treatment of matters which affect both a transferred subject and a subject which is not transferred and
- (vi) make such consequential and supplemental provisions as appear necessary or expedient

Provided that without prejudice to any general power of revoking or altering rules under the principal Act the rules shall not authorise the revocation or suspension of the transfer of any subject except with the sanction of the Secretary of State in Council

(3) The powers of superintendence direction and control over local governments vested in the Governor-General in Council under the principal Act shall in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under that Act but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such powers in any particular case comes within the purposes so specified

(4) The expressions "central subjects" and "provincial subjects" as used in this Act mean subjects so classified under the rules

Provincial subjects other than transferred subjects are in this Act referred to as "reserved subjects"

Borrowing powers of local governments.

(1) The provision in sub-section (1) of section thirty of the principal Act which gives power to local governments to raise money on real or personal estate within the limits of their respective governments by way of mortgage or otherwise, shall have effect as though that provision conferred a power on local governments to raise money on the security of their allocated revenues and to make proper assurances for that purpose

(2) Provision may be made by rules under the principal Act as to the conditions under which the power to raise loans on the security of unallocated revenues shall be exercised

(3) The provision in sub-section (1) of section thirty of the principal Act which enables the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Connol of India to prescribe provisions or conditions limiting the power to raise money shall cease to have effect as regards the power to raise money on the security of allocated revenues

<sup>1</sup> This section came into operation on 17th July 1920 see Gazette of India 1920 Pt. I p 1353.

3. (1) The presidencies of Fort William in Bengal, Fort St George, and Bombay, and the provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, shall each be governed, in relation to reserved subjects, by a governor in council, and in relation to transferred subjects (save as otherwise provided by this Act) by the governor acting with ministers appointed under this Act.

The said presidencies and provinces are in this Act referred to as "governor's provinces" and the two first-named presidencies are in this Act referred to as the presidencies of Bengal and Madras.

(2) The provisions of sections forty-six to fifty-one of the principal Act, as amended by this Act, shall apply to the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, as they apply to the presidencies of Bengal, Madras, and Bombay. Provided that the governors of the said provinces shall be appointed after consultation with the Governor-General.

4. (1) The governor of a governor's province may, by notification, appoint ministers, not being members of his executive council or other officials, to administer transferred subjects, and any ministers so appointed shall hold office during his pleasure.

There may be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province.

(2) No minister shall hold office for a longer period than six months, unless he is or becomes an elected member of the local legislature.

(3) In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice. Provided that rules may be made under the principal Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules.

(4) The governor of a governor's province may at his discretion appoint from among the non-official members of the local legislature council secretaries, who shall hold office during his pleasure, and discharge such duties in assisting members of the executive council and ministers, as he may assign to them.

There shall be paid to council secretaries so appointed such salary as may be provided by vote of the legislative council.

A council secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative council.

Qualification  
of members  
of local  
executive  
councils.

5 (1) The provision in section forty-seven of the principal Act that two of the members of the executive council of the governor of a province must have been for at least twelve years in the service of the Crown in India, shall have effect as though one were substituted for two and the provision in that section that the Commander in Chief of His Majesty's Forces in India if resident at Calcutta, Madras, or Bombay shall during his continuance there, be a member of the governor's council shall cease to have effect.

(2) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by section forty seven of the principal Act as amended by this section.

6 (1) All orders and other proceedings of the government of a governor's province shall be expressed to be made by the government of the province and shall be authenticated as the governor may by rule direct so however that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings.

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province.

(2) The governor may make rules and orders for the more convenient transaction of business in his executive council and with his ministers and every order made or act done in accordance with those rules and orders shall be treated as being the order or the act of the government of the province.

The governor may also make rules and orders for regulating the relations between his executive council and his ministers for the purpose of the transaction of the business of the local government.

Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any rules made under the principal Act as amended by this Act shall, to the extent of that repugnancy but not otherwise be void.

Composition  
of governors  
legislative  
councils.

7 (1) There shall be a legislative council in every governor's province which shall consist of the members of the executive council and of the members nominated or elected as provided by this Act.

The governor shall not be a member of the legislative council but shall have the right of addressing the council, and may for that purpose require the attendance of its members.

(2) Subject to any rules made by the Secretary of State in Council shall be in accordance with the table set out in the First Schedule to

this Act, and of the members of each council not more than twenty per cent shall be official members, and at least seventy per cent shall be elected members.

Provided that—

- (a) subject to the maintenance of the above proportions, rules under the principal Act may provide for increasing the number of members of any council, as specified in that schedule, and
- (b) the governor may, for the purposes of any Bill introduced or proposed to be introduced in his legislative council, nominate, in the case of Assam one person, and in the case of other provinces not more than two persons, having special knowledge or experience of the subject-matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the council, and shall be in addition to the numbers above referred to, and
- (c) members nominated to the legislative council of the Central Provinces by the governor as the result of elections held in the Assigned Districts of Bihar shall be deemed to be elected members of the legislative council of the Central Provinces

(3) The powers of a governor's legislative council may be exercised notwithstanding any vacancy in the council

(4) Subject as aforesaid, provision may be made by rules under the principal Act as to—

- (a) the term of office of nominated members of governors' legislative councils, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise, and
- (b) the conditions under which and manner in which persons may be nominated as members of governors' legislative councils; and
- (c) the qualification of electors, the constitution of constituencies, and the method of election for governors' legislative councils, including the number of members to be elected by communal and other electorates, and any matters incidental or ancillary thereto, and
- (d) the qualifications for being and for being nominated or elected a member of any such council; and

- (e) the final decision of doubts or disputes as to the validity of any election and
- (f) the manner in which the rules are to be carried into effect

Provided that rules as to any such matters as aforesaid may provide for delegating to the local government such power as may be specified in the rules of making subsidiary regulations affecting the same matters

(5) Subject to any such rules any person who is a ruler or subject of any State in India may be nominated as a member of a governor's legislative council.

**8 (1)** Every governor's legislative council shall continue for three years from its first meeting

Provided that—

- (a) the council may be sooner dissolved by the governor and
- (b) the said period may be extended by the governor for a period not exceeding one year by notification in the official gazette of the province if in special circumstances (to be specified in the notification) he so think fit, and
- (c) after the dissolution of the council the governor shall appoint a date not more than six months or with the sanction of the Secretary of State not more than nine months from the date of dissolution for the next session of the council

(2) A governor may appoint such times and places for holding the sessions of his legislative council as he thinks fit and may also, by notification or otherwise prorogue the council

(3) Any meeting of a governor's legislative council may be adjourned by the person presiding

(4) All questions in a governor's legislative council shall be determined by a majority of votes of the members present other than the person presiding who shall however have and exercise a casting vote in the case of an equality of votes

**9 (1)** There shall be a president of a governor's legislative council who shall until the expiration of a period of four years from the first meeting of the council as constituted under this Act, be a person appointed by the governor and shall thereafter be a member of the council elected by the council and approved by the governor

Provided that if at the expiration of such period of four years the council is in session the president then in office shall continue in office until the end of the current session and the first election of a president shall take place at the commencement of the next ensuing session

(2) There shall be a deputy-president of a governor's legislative council who shall preside at meetings of the council in the absence of the president, and who shall be a member of the council elected by the council and approved by the governor.

(3) The appointed president of a council shall hold office until the date of the first election of a president by the council under this section, but he may resign office by writing under his hand addressed to the governor, or may be removed from office by order of the governor, and any vacancy occurring before the expiration of the term of office of an appointed president shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy-president shall cease to hold office on ceasing to be members of the council. They may resign office by writing under their hands, addressed to the governor, and may be removed from office by a vote of the council with the concurrence of the governor.

(5) The president and the deputy-president shall receive such salaries as may be determined, in the case of an appointed president, by the governor, and in the case of an elected president or deputy-president, by an Act of the local legislature.

**10.** (1) The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature.

(3) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(a) imposing or authorising the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under the principal Act, or

(b) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty, or

(c) affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces or

- (j) affecting the relations of the government with foreign princes or states, or
- (e) regulating any central subject or
- (f) regulating any provincial subject which has been declared by rules under the principal Act to be either in whole or in part subject to legislation by the Indian legislature, in respect of any matter to which such declaration applies, or
- (g) affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force, or
- (h) altering or repealing the provisions of any law which having been made before the commencement of this Act by any authority in British India other than that local legislature is declared by rules under the principal Act to be a law which cannot be repealed or altered by the local legislature without previous sanction or
- (i) altering or repealing any provision of an Act of the Indian legislature made after the commencement of this Act which by the provisions of that Act may not be repealed or altered by the local legislature without previous sanction

Provided that on Act or a provision of an Act made by a local legislature and subsequently assented to by the Governor-General in pursuance of this Act shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act

(4) The local legislature of any province has not power to make any law affecting any Act of Parliament

*Business and procedure in  
governor's  
legislative  
councils.*

11. (1) Sub-sections (1) and (3) of section eighty of the principal Act (which relate to the classes of business which may be transacted at meetings of local legislative councils) shall cease to apply to a governor's legislative council but the business and procedure in any such council shall be regulated in accordance with the provisions of this section

(2) The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the council in each year, and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the council in the form of demands for grants. The council may assent or refuse its assent to a demand or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed

Provided that—

- (a) the local government shall have power, in relation to any such demand, to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therem referred to, if the demand relates to a reserved subject, and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject, and
- (b) the governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department, and
- (c) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the governor, communicated to the council

(3) Nothing in the foregoing sub-section shall require proposals to be submitted to the council relating to the following heads of expenditure.

- (i) contributions payable by the local government to the Governor-General in Council, and
- (ii) interest and sinking fund charges on loans, and
- (iii) expenditure of which the amount is prescribed by or under any law, and
- (iv) salaries and pensions of persons appointed by or with the approval of His Majesty or by Secretary of State in Council, and
- (v) salaries of judges of the High Court of the province and of the Advocate-General

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the governor shall be final.

(4) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the governor may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it or of another province, and may direct that no proceedings or no further proceedings shall be taken by the council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(5) Provision may be made by rules under the principal Act for the purpose of carrying into effect the foregoing provisions of this section.

and for regulating the course of business in the council and as to the persons to preside over meetings thereof in the absence of the president and deputy president, and the preservation of order at meetings and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in the council, in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made by the governor in council but may subject to the assent of the governor be altered by the local legislatures. Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act, shall to the extent of that repugnancy but not otherwise be void.

(7) Subject to the rules and standing orders affecting the council there shall be freedom of speech in the governors legislative councils. No person shall be liable to any proceedings in any court by reason of his speech or vote in any such council, or by reason of anything contained in any official report of the proceedings of any such council.

**12** (1) Where a Bill has been passed by a local legislative council, the governor lieutenant-governor or chief commissioner may instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the council for reconsideration either in whole or in part together with any amendments which he may recommend or in cases prescribed by rules under the principal Act may and if the rules so require shall reserve the Bill for the consideration of the Governor-General.

(2) Where a Bill is reserved for the consideration of the Governor-General the following provisions shall apply —

- (a) The governor lieutenant-governor or chief commissioner may at any time within six months from the date of the reservation of the Bill with the consent of the Governor-General return the Bill for further consideration by the council with a recommendation that the council shall consider amendments thereto.
- (b) After any Bill so returned has been further considered by the council together with any recommendations made by the governor lieutenant-governor or chief commissioner relating thereto the Bill if re-affirmed with or without amendment may be again presented to the governor, lieutenant-governor or chief commissioner.
- (c) Any Bill reserved for the consideration of the Governor-General shall if assented to by the Governor-General

within a period of six months from the date of such reservation, become law on due publication of such assent, in the same way as a Bill assented to by the governor, lieutenant-governor or chief commissioner but, if not assented to by the Governor-General within such period of six months, shall lapse and be of no effect unless before the expiration of that period either—

- (i) the Bill has been returned by the governor, lieutenant-governor or chief commissioner, for further consideration by the council, or
- (ii) in the case of the council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session
- (iii) The Governor General may (except where the Bill has been reserved for his consideration), instead of assenting to or withholding his assent from any Act passed by a local legislature, declare that he reserves the Act for the signification of His Majesty's pleasure thereon, and in such case the Act shall not have validity until His Majesty in Council has signified his assent and his assent has been notified by the Governor-General

**13.** (1) Where a governor's legislative council has refused leave to introduce, or has failed to pass in a form recommended by the governor, any Bill relating to a reserved subject the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject, and thereupon the Bill shall, notwithstanding that the council have not consented thereto, be deemed to have passed, and shall, on signature by the governor, become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor

(2) Every such Act shall be expressed to be made by the governor, and the governor shall forthwith send an authentic copy thereof to the Governor-General, who shall reserve the Act for the signification of His Majesty's pleasure, and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the local legislature and duly assented to.

Provided that where, in the opinion of the Governor-General a state of emergency exists which justifies such action, he may, instead of reserving such Act, signify his assent thereto, and thereupon the Act shall have such force and effect as aforesaid, subject however to disallowance by His Majesty in Council

(3) An Act made under this section shall as soon as practicable after being made, be laid before each House of Parliament and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat.

<sup>Section of  
acts in local  
legislative  
councils</sup>

14 An official shall not be qualified for election as a member of a local legislative council and if any non-official member of a local legislative council whether elected or nominated accepts any office in the service of the Crown in India his seat on the council shall become vacant.

Provided that for the purposes of this provision a minister shall not be deemed to be an official and a person shall not be deemed to accept office on appointment as a minister.

<sup>Constitution  
of new pro-  
vinces, etc.,  
and provi-  
sions as to  
backward  
tracts.</sup>

15 (1) The Governor General in Council may after obtaining an expression of opinion from the local government and the local legislature affected by notification with the sanction of His Majesty previously signified by the Secretary of State in Council constitute a new governor's province or place part of a governor's province under the administration of a deputy governor to be appointed by the Governor-General and may in any such case apply with such modifications as appear necessary or desirable all or any of the provisions of the principal Act or this Act relating to governors' provinces or provinces under a lieutenant-governor or chief commissioner to any such new province or part of a province.

(2) The Governor-General in Council may declare any territory in British India to be a backward tract and may by notification with such sanction as aforesaid direct that the principal Act and this Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification. Where the Governor General in Council has by notification directed as aforesaid, he may, by the same or subsequent notification direct that any Act of the Indian legislature shall not apply to the territory in question or any part thereof or shall apply to the territory or any part thereof subject to such exceptions or modifications as the Governor General thinks fit or may authorise the governor in council to give similar directions as respects any Act of the local legislature.

<sup>Saving.</sup>

16 (1) The validity of any order made or action taken after the commencement of this Act by the Governor General in Council or by a local government which would have been within the powers of the Governor-General in Council or of such local government if this Act had not been passed shall not be open to question in any legal proceedings on the ground that by reason of any provision of this Act or of any rule made by virtue of any such provision such order or action

has ceased to be within the powers of the Governor-General in Council or of the government concerned

(2) Nothing in this Act, or in any rule made thereunder, shall be construed as diminishing in any respect the powers of the Indian legislature as laid down in section sixty-five of the principal Act, and the validity of any Act of the Indian legislature or any local legislature shall not be open to question in any legal proceedings on the ground that the Act affects a provincial subject or a central subject, as the case may be, and the validity of any Act made by the governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject

(3) The validity of any order made or action taken by a governor in council, or by a governor acting with his ministers, shall not be open to question in any legal proceedings on the ground that such order or action relates or does not relate to a transferred subject, or relates to a transferred subject of which the minister is not in charge

## PART II

### GOVERNMENT OF INDIA

**17.** Subject to the provisions of this Act, the Indian legislature <sup>Indian</sup> shall consist of the Governor-General and two chambers, namely, the <sup>legislature</sup> Council of State and the Legislative Assembly

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers

**18.** (1) The Council of State shall consist of not more than sixty members nominated or elected in accordance with rules made under the principal Act, of whom not more than twenty shall be official members

(2) The Governor-General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct

(3) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members

**19.** (1) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under the principal Act

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall

<sup>1</sup> Sections 17 to 24 and 27 came into operation on 1st December, 1920, see Gazette of India Extraordinary, 1920, p 1071

be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred.

Provided that rules made under the principal Act may provide for increasing the number of members of the Legislative Assembly as fixed by this section and may vary the proportion which the classes of members bear one to another so however that at least five-sevenths of the members of the Legislative Assembly shall be elected members and at least one-third of the other members shall be non-official members.

(3) The Governor-General shall have the right of addressing the Legislative Assembly and may for that purpose require the attendance of its members.

President of  
Legislative  
Assembly

<sup>1</sup>20 (1) There shall be a president of the Legislative Assembly who shall until the expiration of four years from the first meeting thereof be a person appointed by the Governor-General and shall thereafter be a member of the Assembly elected by the Assembly and approved by the Governor-General.

Provided that if at the expiration of such period of four years the Assembly is in session the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the ensuing session.

(2) There shall be a deputy president of the Legislative Assembly who shall preside at meetings of the Assembly in the absence of the president and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

(3) The appointed president shall hold office until the date of the election of a president under this section but he may resign his office by writing under his hand addressed to the Governor General, or may be removed from office by order of the Governor General and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy president shall cease to hold office if they cease to be members of the Assembly. They may resign office by writing under their hands addressed to the Governor General and may be removed from office by a vote of the Assembly with the concurrence of the Governor General.

(5) A president and deputy president shall receive such salaries as may be determined in the case of an appointed president by the Governor General and in the case of an elected president and a deputy president by Act of the Indian legislature.

**121.** (1) Every Council of State shall continue for five years, and every Legislative Assembly for three years, from its first meeting:

Duration and  
sessions of  
Legislative  
Assembly  
and Council  
of State

Provided that—

- (a) either chamber of the legislature may be sooner dissolved by the Governor-General, and
- . (b) any such period may be extended by the Governor-General if in special circumstances he so thinks fit, and
- (c) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months, or, with the sanction of the Secretary of State not more than nine months after the date of dissolution for the next session of that chamber

(2) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions

(3) Any meeting of either chamber of the Indian legislature may be adjourned by the person presiding

(4) All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes

(5) The powers of either chamber of the Indian legislature may be exercised notwithstanding any vacancy in the chamber.

**122.** (1) An official shall not be qualified for election as a member of either chamber of the Indian legislature, and, if any non-official member of either chamber accepts office in the service of the Crown in India, his seat in that chamber shall become vacant

(2) If an elected member of either chamber of the Indian legislature becomes a member of the other chamber, his seat in such first-mentioned chamber shall thereupon become vacant

(3) If any person is elected a member of both chambers of the Indian legislature, he shall, before he takes his seat in either chamber, signify in writing the chamber of which he desires to be a member, and thereupon his seat in the other chamber shall become vacant

(4) Every member of the Governor General's Executive Council shall be nominated as a member of one chamber of the Indian legislature, and shall have the right of attending in and addressing the other chamber, but shall not be a member of both chambers

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<sup>1</sup> See footnote (1) to section 17, *supra*

<sup>Supplementary provisions as to composition of Legislative Assembly and Council of State.</sup> '23 (1) Subject to the provisions of this Act, provision may be made by rules under the principal Act as to—

- (a) the term of office of nominated members of the Council of State and the Legislative Assembly and the manner of filling casual vacancies occurring by reason of absence of members from India inability to attend to duty, death, acceptance of office or resignation duly accepted or otherwise and
- (b) the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly and
- (c) the qualification of electors the constitution of constituencies and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto and
- (d) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly and
- (e) the final decision of doubts or disputes as to the validity of an election and
- (f) the manner in which the rules are to be carried into effect

(2) Subject to any such rules any person who is a ruler or subject of any State in India may be nominated as a member of the Council of State or the Legislative Assembly

<sup>Business and proceedings in Indian legislature.</sup> '24. (1) Sub-sections (1) and (3) of section sixty seven of the principal Act (which relate to the classes of business which may be transacted by the Indian legislative council) shall cease to have effect

(2) Provision may be made by rules under the principal Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the president and the deputy president and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules

(3) If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber passed by the other chamber either without amendments or with such amendments

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<sup>1</sup> See footnote (1) to section 17 supra.

as may be agreed to by the two chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers. Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two chambers.

(4) Without prejudice to the powers of the Governor General under section sixty-eight of the principal Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either chamber.

(5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made by the Governor-General in Council, but may, with the consent of the Governor-General, be altered by the chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the chamber, there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.

25. (1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the legislative assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs—

- (i) interest and sinking fund charges on loans, and
- (ii) expenditure of which the amount is prescribed by or under any law, and

a Bill is moved, or proposed to be moved the Governor General may certify that the Bill or any clause of it or the amendment, affects the safety or tranquillity of British India or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill clause or amendment, and effect shall be given to such direction.

**Composition  
of Governor  
General's  
executive  
council**

28 (1) The provision in section thirty six of the principal Act, imposing a limit on the number of members of the Governor General's executive council shall cease to have effect

(2) The provision in section thirty-six of the principal Act as to the qualification of members of the council shall have effect as though the words at the time of their appointment were omitted and as though after the word Scotland<sup>1</sup> there were inserted the words "or a pleader of the High Court and as though ten years" were substituted for five years'

(3) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the Governor-General's executive council in any case where such provision is not made by section thirty-six of the principal Act as amended by this section

(4) Sub-section (2) of section thirty-seven of the principal Act (which provides that when and so long as the Governor-General's executive council assembles in a province having a governor the governor shall be an extraordinary member of the council) shall cease to have effect

**Appoint-  
ment of  
council  
secretaries.**

29 (1) The Governor-General may at his discretion appoint from among the members of the Legislative Assembly council secretaries who shall hold office during his pleasure and discharge such duties in assisting the members of his executive council as he may assign to them

(2) There shall be paid to council secretaries so appointed such salary as may be provided by the Indian legislature

(3) A council secretary shall cease to hold office if he ceases for more than six months to be a member of the Legislative Assembly

### PART III

#### SECRETARY OF STATE IN COUNCIL

**Payment of  
salary of  
Secretary of**

30 The salary of the Secretary of State, the salaries of his under secretaries and any other expenses of his department may notwithstanding

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<sup>1</sup> This section came into operation on 16th July 1920 see Gazette of India 1920, Extraordinary p 725  
This section came into force from 1st April 1920 see Gazette of India 1920 Extraordinary p 413.

standing anything in the principal Act, instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament, and the salary of the Secretary of State shall be so paid

**31.** The following amendments shall be made in section three of the principal Act in relation to the composition of the Council of India, the qualification, term of office, and remuneration of its members —

(1) The provisions of sub-section (1) shall have effect as though “eight” and “twelve” were substituted for “ten” and “fourteen” respectively, as the minimum and maximum number of members, provided that the council as constituted at the time of the passing of this Act shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision

(2) The provisions of sub-section (3) shall have effect as if “one-half” were substituted for “nine” and “India” were substituted for “British India”

(3) In sub-section (4) “five years” shall be substituted for “seven years” as the term of office of members of the council, provided that the tenure of office of any person who is a member of the council at the time of the passing of this Act shall not be affected by this provision

(4) The provisions of sub-section (8) shall cease to have effect and in lieu thereof the following provisions shall be inserted

“There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds provided that any member of the council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds

Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament”

(5) Notwithstanding anything in any Act or rules, where any person in the service of the Crown in India is appointed a member of the council before completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would be payable to him on completion of such period, be reckoned as service under the Crown in India whilst resident in India

<sup>1</sup> The provisions of this section came into operation on 1st January, 1920, see Gazette of India, 1919, p 543

Further  
provisions as  
to council  
of India.

**32.** (1) The provision in section six of the principal Act which prescribes the quorum for meetings of the Council of India shall cease to have effect and the Secretary of State shall provide for a quorum by directions to be issued in this behalf

(2) The provision in section eight of the principal Act relating to meetings of the Council of India shall have effect as though "month" were substituted for week

(3) Section ten of the principal Act shall have effect as though the words "all business of the council or committees thereof is to be transacted" were omitted and the words "the business of the Secretary of State in Council or the Council of India shall be transacted and any order made or act done in accordance with such direction shall subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council" were inserted in lieu thereof

Relaxation of  
control of  
Secretary of  
State.

**33** The Secretary of State in Council may notwithstanding anything in the principal Act by rule regulate and restrict the exercise of the powers of superintendence direction and control vested in the Secretary of State and the Secretary of State in Council by the principal Act or otherwise in such manner as may appear necessary or expedient in order to give effect to the purposes of this Act

Before any rules are made under this section relating to subjects other than transferred subjects the rules proposed to be made shall be laid in draft before both Houses of Parliament and such rules shall not be made unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved, and such rules on being so made shall be of full force and effect

Any rules relating to transferred subjects made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled His Majesty in Council may annul the rules or any of them and those rules shall thenceforth be void but without prejudice to the validity of anything previously done thereunder

**34.** So much of section five of the principal Act as relates to orders and communications sent to India from the United Kingdom and to

<sup>1</sup> The provisions of this section came into operation on 1st January 1920 *see Gazette of India 1919 Extraordinary p 543.*

This section came into operation on 1st July 1920 *see Gazette of India 1920 Pt I p 1333.*

<sup>2</sup> For rule as to transferred subjects *see Gazette of India 1920, Pt. I p 221.*

This section came into operation on 1st January 1920 *see Gazette of India, 1919 Extraordinary p 543.*

Correspond-  
ence  
between  
Secretary of  
State and  
India.

orders made in the United Kingdom, and sections eleven, twelve, thirteen and fourteen of the principal Act, shall cease to have effect, and the procedure for the sending of orders and communications to India and in general for correspondence between the Secretary of State and the Governor-General in Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council

<sup>1</sup>35. His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for the pay, pension, powers, duties, and conditions of employment of the High Commissioner and of his assistants, and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council whether under the principal Act or otherwise in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local government

#### PART IV

##### THE CIVIL SERVICES IN INDIA.

36. (1) Subject to the provisions of the principal Act and of rules made thereunder, every person in the civil service of the Crown in India holds office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed

If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may, without prejudice to any other right of redress, complain to the governor of the province in order to obtain justice, and the governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable

(2) The Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local governments, or authorise

<sup>1</sup> This section came into operation on 29th July, 1920, see Gazette of India, 1920, Extraordinary, p 727

the Indian legislature or local legislatures to make laws regulating the public services

Provided that every person appointed before the commencement of this Act by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable

(3) The right to pensions and the scale and conditions of pensions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of this Act Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof

Nothing in this section or in any rule thereunder shall prejudice the rights to which any person may, or may have become entitled under the provisions in relation to pensions contained in the East India <sup>37 &</sup>  
Annuity Funds Act 1874 <sup>Vic</sup>

(4) For the removal of doubts it is hereby declared that all rules or other provisions in operation at the time of the passing of this Act, whether made by the Secretary of State in Council or by any other authority relating to the civil service of the Crown in India were duly made in accordance with the powers in that behalf and are confirmed but any such rules or provisions may be revoked, varied, or added to by rules or laws made under this section

Appoint-  
ments to the  
Indian Civil  
Service.

37 (1) Notwithstanding anything in section ninety seven of the principal Act the Secretary of State may make appointments to the Indian Civil Service of persons domiciled in India in accordance with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India

Any rules made under this section shall not have force until they have been laid for thirty days before both Houses of Parliament

(2) The Indian Civil Service (Temporary Provisions) Act 1915 <sup>5 & 6</sup>  
(which confers power during the war and for a period of two years <sup>a. 37</sup> thereafter to make appointments to the Indian Civil Service without examination) shall have effect as though three years were substituted for two years

38 (1) There shall be established in India a public service commission consisting of not more than five members of whom one shall be chairman appointed by the Secretary of State in Council Each member

shall hold office for five years, and may be re-appointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for appointment, and the pay and pension (if any) attaching to the office of chairman and member, shall be prescribed by rules made by the Secretary of State in Council.

(2) The public service commission shall discharge, in regard to recruitment and control of the public services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council.

**39.** (1) An auditor-general in India shall be appointed by the Secretary of State in Council, and shall hold office during His Majesty's pleasure. The Secretary of State in Council shall, by rules, make provision for his pay, powers, duties, and conditions of employment, or for the discharge of his duties in the case of a temporary vacancy or absence from duty.

(2) The number of members of the governors' legislative councils no office may be added to or withdrawn from the public service, and the emoluments of no post may be varied, except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Government of India, according as the post is or is not under the control of a local government.

**40.** Rules made under this Part of this Act shall not be made except with the concurrence of the majority of votes at a meeting of the Council of India.

## PART V

### STATUTORY COMMISSION

**41** (1) At the expiration of ten years after the passing of this Act the Secretary of State, with the concurrence of both Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section.

(2) The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by His Majesty.

## PART VI

### GENERAL

**Modification  
of s. 124 of  
principal  
Act.**

**42** Notwithstanding anything in section one hundred and twenty-four of the principal Act, if any member of the Governor General's executive Council or any member of any local government was at the time of his appointment concerned or engaged in any trade or business, he may during the term of his office with the sanction in writing of the Governor General or in the case of ministers, of the governor of the province and in any case subject to such general conditions and restrictions as the Governor General in Council may prescribe, retain his concern or interest in that trade or business but shall not, during that term take part in the direction or management of that trade or business

**Signification  
of Royal  
Assent.**

**43** Any assent or disallowance by His Majesty, which under the principal Act is required to be signified through the Secretary of State in Council shall as from the passing of this Act be signified by His Majesty in Council

**Power to  
make rules.**

**'44. (1)** Where any matter is required to be prescribed or regulated by rules under the principal Act and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor General in Council with the sanction of the Secretary of State in Council and shall not be subject to repeal or alteration by the Indian legislature or by any local legislature

**(2)** Any rules made under this Act or under the principal Act may be so framed as to make different provision for different provinces

**'3.** Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made and if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled His Majesty in Council may annul the rules or any of them and those rules shall thenceforth be void but without prejudice to the validity of anything previously done thereunder

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree, but upon such approval being given the rules may be made in the form in which they have been approved and such rules on being so made

shall be of full force and effect, and shall not require to be laid before Parliament

**145.** (1) The amendments set out in Parts I and II of the Second Schedule to this Act, being amendments to incorporate the provisions of this Act in the principal Act, and further amendments consequential on or arising out of those provisions, shall be made in the principal Act, and any question of interpretation shall be settled by reference to the principal Act as so amended. The provisions of the principal Act specified in Part III of that schedule, being provisions which are obsolete or unnecessary, or which require amendment in detail, are hereby repealed or modified, and shall be dealt with, in the manner shown in the second column of that schedule

Amendments  
of principal  
Act to carry  
Act into  
effect, etc

(2) Every enactment and word which is directed by the Government of India (Amendment) Act, 1916, or by this section and the Second Schedule to this Act, to be substituted for or added to any portion of the Government of India Act, 1915, shall form part of the Government of India Act, 1915, in the place assigned to it by the Government of India (Amendment) Act, 1916, or that schedule, and the Government of India Act, 1915, and all Acts, including this Act, which refer thereto, shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the Government of India Act, 1915, in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word

<sup>2</sup>A copy of the Government of India Act, 1915, with the amendments, whether by way of substitution, addition or omission, required by the Government of India (Amendment) Act, 1916, and by this section and the Second Schedule to this Act, shall be prepared and certified by the Clerk of the Parliaments, and deposited with the Rolls of Parliament, and His Majesty's printer shall print, in accordance with the copy so certified, all copies of the Government of India Act, 1915, which are printed after the passing of this Act, and the Government of India Act, 1915, as so amended, may be cited as "The Government of India Act"

Sub-section (3) of section eight of the Government of India (Amendment) Act, 1916, is hereby repealed

**146.** In this Act the expressions "official" and "non-official," where used in relation to any person, mean respectively a person

Definition of  
official.

<sup>1</sup> This section together with such amendments set out in Parts I, II and III of the Second Schedule as are consequential on certain sections of the Act which were brought into force from time to time came into operation along with those provisions

<sup>2</sup> See also sub-section (2) of s 4 of the Government of India (Leave of Absence) Act, 1924, *infra*

<sup>3</sup> This section came into operation on 17th July, 1920, see Gazette of India, 1920, Pt I, p 1353

who is or is not in the civil or military service of the Crown in India

Provided that rules under the principal Act may provide for the holders of such offices as may be specified in the rules not being treated for the purposes of the principal Act or this Act or any of them, as officials

*Short title,  
commencement,  
interpretation,  
and transitory  
provisions.*

**47** (1) This Act may be cited as the Government of India Act 1919 and the principal Act as amended by any Act for the time being in force may be cited as the Government of India Act

(2) This Act shall come into operation on such date or dates as the Governor General in Council with the approval of the Secretary of State in Council may appoint and different dates may be appointed for different provisions of this Act and for different parts of India

On the dates appointed for the coming into operation of the provisions of this Act as respects any executive or legislative council all the members of the council then in office shall go out of office but may if otherwise qualified be re-appointed re-nominated or re-elected as the case may be in accordance with the provisions of the principal Act as amended by this Act

(3) Any reference in any enactment whether an Act of Parliament or made by any authority in British India or in any rules regulations or orders made under any such enactment or in any letters patent or other document to any enactment repealed by the principal Act shall for all purposes be construed as references to the principal Act as amended by this Act or to the corresponding provision thereof

(4) Any reference in any enactment in force in India, whether an Act of Parliament or made by any authority in British India, or in any rules regulations or orders made under any such enactment, or in any letters patent or other document to any Indian legislative authority shall for all purposes be construed as references to the corresponding authority constituted by the principal Act as amended by this Act

(5) If any difficulty arises as to the first establishment of the Indian legislature or any legislative council after the commencement of this Act or otherwise in first giving effect to the provisions of this Act the Secretary of State in Council or the Governor General in Council as occasion may require may by order do anything which appears to them necessary for the purpose of removing the difficulty

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<sup>1</sup> All the provisions of this Act which had not previously come into operation came into operation in the Presidency of Madras and the Central Provinces on the 1st December 1920 and in the Province of Bihar and Orissa on the 20th December 1920, and the provisions of the whole Act which were not in operation before the 3rd January 1921 came into operation on that date *i.e.* Gazette of India Extraordinary dated the 17th December 1920.

## SCHEDULES

## FIRST SCHEDULE.

Section 7.

## NUMBER OF MEMBERS OF LEGISLATIVE COUNCILS.

Legislative Council	Number of Members.
Madras . . . . .	118
Bombay . . . . .	111
Bengal . . . . .	125
United Provinces . . . . .	118
Punjab . . . . .	83
Bihar and Orissa . . . . .	98
Central Provinces . . . . .	70
Assam . . . . .	53

## SECOND SCHEDULE.

Section 45.

## PART I.

The provisions of this Act set out in the first column of the following table shall be incorporated in the principal Act in the manner shown in the second column of that table, subject to the modifications specified in the third column of that table —

TABLE

Provision of Act	Place and Method of Incorporation in the Principal Act	Modifications
Section 1 . . . . .	To be inserted as a new section (45A) after s 45	“this Act” to be substituted for “the Government of India Act, 1915, “(principal Act),” for “the principal Act,” and for “that Act”
Section 3 (1)	To be substituted for s 46 (1)	—
Section 4 . . . . .	To be substituted for s 52	“this Act” to be substituted for “the principal Act”
Section 6 . . . . .	To be substituted for s 49	“any other rules made under this Act” to be substituted for “any rules made under the principal Act as amended by this Act”

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sections 7, 8, 9	To be inserted as new sections (72A, 72B, and 73C) after s. 72.	"this Act to be substituted for the principal Act.
Section 10	To be inserted as a new section (80A) after s. 80.	"this Act to be substituted for the principal Act "the commencement of the Government of India Act, 1919" to be substituted for "the commencement of this Act" and "such first-mentioned Act to be substituted for "that Act in sub-section (3).
Section 11	To be inserted as a new section (72D) after s. 72C.	The following sub-section to be substituted for sub-section (1) -
		(1) The provisions contained in this section shall have effect with respect to business and procedure in governors legislative councils.
		this Act to be substituted for the principal Act.
Section 12	To be inserted as a new section (81A) after s. 81.	"this Act to be substituted for the principal Act."
Section 13	To be inserted as a new section (72E) after s. 72D.	--
Section 14	To be inserted as a new section (80B) after s. 80A.	The following new section to be inserted at the end thereof:-
		"80C. It shall not be lawful for any member of any local legislative council to introduce without the previous sanction of the governor or lieutenant governor or chief commissioner any measure affecting the public revenue of a province or imposing any charge on those revenues.
Section 15	To be inserted as a new section (82A) after s. 82.	"this Act to be substituted for the principal Act or this Act and for the principal Act and this Act.

Provision of Act	Place and Method of Incorporation in the Principal Act	Modifications
Section 16 (1) and (3)	To be inserted as a new section (52B) after s 52A	“the Government of India Act, 1919” to be substituted for “this Act,” where those words first occur, and “that Act” to be substituted for “this Act,” where those words secondly occur, and “that Act or this Act” to be substituted for “this Act,” where those words thirdly occur
Section 16 (2)	To be inserted as a new sub-section (2) of s. 84	“Nothing in the Government of India Act, 1919, or this Act” to be substituted for “Nothing in this Act” and “this Act” to be substituted elsewhere for “the principal Act”
Ss 17-23 inclusive	To be inserted as new sections in lieu of ss. 63 and 64, and numbered 63, 63A, 63B, 63C, 63D, 63E, and 64	“this Act” to be substituted for “the principal Act”
Section 24 (2)	To be inserted as sub-s (1) of s 67 in lieu of the existing sub-section (1)	“this Act” to be substituted for “the principal Act”
Section 24 (3)-(7)	To be inserted as sub-sections (3)-(7) of section 67 in lieu of the existing sub-section (3)	“this Act” to be substituted for “the principal Act”
Sections 25 and 26	To be inserted as new sections (67A and 67B) after s. 67	—
Section 29	To be inserted as a new section (43A) after s. 43	—
Section 33	To be inserted as a new section (19A) after s 19	“this Act” to be substituted for “the principal Act” and “the Government of India Act, 1919,” to be substituted for “this Act”
Section 34	To be inserted as a new section (11) in lieu of sections 1 to 14 inclusive.	For the words from the beginning of the section down to and including the words “effect, and” there shall be substituted the words “Subject to the provisions of this Act”

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 35	To be inserted as a new section (29A) after s. 29	"this Act" to be substituted for the principal Act.
Sections 36, 38, 39 and 40.	To be inserted as new sections (96B, 96C, 96D and 96E) after section 96A, constituting a new Part (VIIA) after Part VII.	this Act to be substituted for the principal Act," and the Government of India Act, 1919 to be substituted for this Act, except in s. 40.
Section 37 (1)	To be inserted as a new sub-section (6) of s. 97	this section to be substituted for section ninety seven of the principal Act, and any rules made under this sub-section" to be substituted for any rules made under this section.
Section 41	To be inserted as a new section (84A) after s. 84, constituting a new Part (VIA) after Part VL	"the Government of India Act, 1919 to be substituted for "this Act.
Section 42	To be inserted as a proviso to s. 124.	Provided that notwithstanding anything in this Act" to be substituted for "Notwithstanding anything in section one hundred and twenty four of the principal Act.
Section 44	To be inserted as a new section (129A) at the beginning of Part XIII.	"this Act to be substituted for the principal Act" and for "this Act or under the principal Act.
Section 46	To be inserted as a new paragraph at the end of s. 134.	"in this Act" to be omitted, and "this Act to be substituted for "the principal Act" and for "the principal Act or this Act.
Section 47 (3) and (4).	To be inserted as new paragraphs at the end of s. 130.	"this Act" to be substituted for "the principal Act" and for "the principal Act as amended by this Act."
First Schedule	To be inserted in lieu of Schedule I.	

## PART II.

The provisions of the principal Act specified in the first column of this table shall be amended in the manner shown in the second column.

## TABLE.

Section of Act	Amendment
2	In sub-section (2) "or rules made thereunder" shall be inserted after "this Act". The following sub-section shall be substituted for sub-section (3) — "(3) The salary of the Secretary of State shall be paid out of moneys provided by Parliament, and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenues of India or out of moneys provided by Parliament."
3 (1)	"eight" shall be substituted for "ten," and "twelve" shall be substituted for "fourteen," and the following words shall be inserted at the end of the sub-section — "Provided that the Council as constituted at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision"
3 (3)	"One half" shall be substituted for "nine," and "India" shall be substituted for "British India"
3 (4)	"five years" shall be substituted for "seven years," and the following words shall be inserted at the end of the sub-section — "Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall be the same as though that Act had not been passed"
3 (8)	The following sub-sections shall be substituted for this sub-section — "(8) There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds. Provided that any member of the Council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds. Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament (9) Notwithstanding anything in any Act or rule, where any person in the service of the Crown in India is appointed a member of the Council before the completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would have been payable to him on completion of such period, be reckoned as service under the Crown in India whilst resident in India."

Section of Act.	Amendment.
5	The words of this section from and including the words "but every order to the end of the section shall be omitted."
6	For "not less than five members are present there shall be substituted "such number of members are present as may be prescribed by general directions of the Secretary of State."
8	For week there shall be substituted month.
10	For all business of the Council or committees thereof is to be transacted" there shall be substituted the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council.
19	The words of this section from the beginning down to and including "Provided that shall be omitted."
20 (2) (d)	After "under this Act" there shall be inserted "except so far as is otherwise provided under this Act."
21	At the beginning of this section there shall be inserted Subject to the provisions of this Act and rules made thereunder"
27 (9)	After "revenues of India" there shall be inserted "or out of moneys provided by Parliament."
29	In sub-section (1) at the beginning there shall be inserted the words — Subject to the provisions of this Act regarding the appointment of a High Commissioner for India.
30	After sub-section (1) the following sub-section shall be inserted :— (1A) A local Government may on behalf and in the name of the Secretary of State in Council raise money on the security of revenues allocated to it under this Act, and make proper assurances for that purpose, and rules made under this Act may provide for the conditions under which this power shall be exercisable."
	In sub-section (2) "sub-section (1) of this section" shall be substituted for "this section."
31	"Indian legislature" shall be substituted for "Governor General in Legislative Council."
33	At the beginning of the section there shall be inserted "Subject to the provisions of this Act and rules made thereunder"
35	This section shall be omitted.
36	"ordinary" in sub-sections (1) and (2) shall be omitted. In sub-section (2) for the words from and including "five or to the end of the sub-section there shall be substituted "such as His Majesty thinks fit to appoint."

Section of Act	Amendment
	In sub section (3) "at the time of their appointment" shall be omitted, after "Scotland" there shall be inserted "or a placard of a High Court," and "ten" shall be substituted for "five"
	In sub section (1) for "person appointed an ordinary member of the council" there shall be substituted "member of the council (other than the Commander-in-Chief for the time being of His Majesty's forces in India)"
	At the end of the section the following new sub-section shall be inserted — " (3) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's executive Council in any case where such provision is not made by the foregoing provisions of this section "
37	The following section shall be substituted for section thirty-seven — " 37 If the Commander-in Chief for the time being of His Majesty's forces in India is a member of the Governor-General's executive Council he shall, subject to the provisions of this Act, have rank and precedence in the Council next after the Governor-General."
39	In sub-section (2) for "one ordinary member of the council" there shall be substituted "one member of the council (other than the Commander-in-Chief)"
40	At the end of sub-section (1) there shall be inserted—" and when so signed shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council "
42	For "ordinary member" there shall be substituted "member (other than the Commander-in-Chief)"
45	At the beginning of the section there shall be inserted "Subject to the provisions of this Act and rules made thereunder"
46	The following sub-section shall be substituted for sub-section (2) — " (2) The governors of the said presidencies are appointed by His Majesty by warrant under the Royal Sign Manual, and the governors of the said provinces shall be so appointed after consultation with the Governor-General" In sub-section (3) "the governors' provinces" shall be substituted for "those presidencies" and "province" shall be substituted for "presidency"
47	In sub-section (2) "One at least of them must be a person who at the time of his appointment has been" shall be substituted for "Two at least of them must be persons who at the time of their appointment have been." The following sub-section shall be substituted for sub-section (3) — " (3) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by the foregoing provisions of this section."

Section of Act.	Amendment.
48	"province" shall be substituted for "presidency"
50 (2)	"province" shall be substituted for "presidency"
53 (1)	For the words from the beginning down to the Punjab and (inclusive) there shall be substituted The province of and the words with or without an executive council shall be omitted.
57	At the end of the section there shall be inserted An order made as aforesaid shall not be called into question in any legal proceedings on the ground that it was not duly made by the lieutenant-governor in council.
58	"Assam, the Central Provinces," shall be omitted.
65	For "Governor-General in Legislative Council" there shall be substituted Indian legislature.
67	"either chamber of the Indian legislature" shall be substituted for the council. At the end of sub-section (2) the following shall be inserted— "or any measure— (i) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under this Act to be subject to legislation by the Indian legislature or (ii) repealing or amending any Act of a local legislature or (iii) repealing or amending any Act or ordinance made by the Governor General. (2A) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India, or any part thereof and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment; and effect shall be given to such direction.
68	"Bill" shall be substituted for "Act" and "a Bill for an Act;" "by both chambers of the Indian legislature" shall be substituted for "at a meeting of the Indian Legislative Council," and "whether he was or was not present in council at the passing thereof" shall be omitted.  "A Bill passed by both chambers of the Indian legislature shall not become an Act" shall be substituted for "An Act of the Governor-General in Legislative Council has no validity"  "in Council" shall be inserted after His Majesty and "to the Governor General through the Secretary of State in Council" shall be omitted.
69	"Indian legislature" shall be substituted for "Governor General in Legislative Council" "in Council" shall be inserted after "His Majesty" and "through the Secretary of State in Council" shall be omitted.

Section of Act.	Amendment
70	This section shall be omitted.
71 (2)	" Indian legislature " shall be substituted for " Governor-General in Legislative Council "
72	" Indian legislature " shall be substituted for " Governor-General in Legislative Council."
73	In sub-section (1) " a governor or of " shall be omitted and " and of members nominated or elected as hereinafter provided " shall be substituted for " with the addition of members nominated or elected in accordance with rules made under this Act " In sub-section (3), " as hereinafter provided " shall be substituted for " in accordance with rules made under this Act " Sub-section (4) shall be omitted
74	This section shall be omitted.
75	This section shall be omitted
76	In sub-section (1) " section " shall be substituted for " Act " and the following proviso shall be substituted for the existing proviso — " Provided that the number of members so nominated or elected shall not, in the case of the legislative council of a lieutenant-governor, exceed one hundred " In sub-section (2) " Non-officials " shall be substituted for " persons not in the civil or military service of the Crown in India." In sub-section (4) " Indian legislature or the local legislature " shall be substituted for " Governor-General in Legislative Council "
78	The following provision shall be inserted at the beginning of sub-section (1) — " A lieutenant-governor or a chief commissioner who has a legislative council may appoint such times and places for holding the sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council, and any meeting of the legislative council of a lieutenant-governor or a chief commissioner may be adjourned by the person presiding " In sub-section (2) " in accordance with rules made under this Act " shall be omitted.  For sub-section (3) the following sub-sections shall be substituted — (3) All questions at a meeting of the legislative council of a lieutenant-governor or chief commissioner shall be determined by a majority of votes of the members present other than the lieutenant-governor, chief commissioner, or presiding member, who shall, however, have and exercise a casting vote in case of an equality of votes (4) Subject to rules affecting the council, there shall be freedom of speech in the legislative councils of lieutenant-governors and chief commissioners No person shall be liable to any proceedings in any court by reason of his speech or vote in those councils, or by reason of anything contained in any official report of the proceedings of those councils "

Section of Act	Amendment.
48	"province shall be substituted for presidenoy
50 (2)	province shall be substituted for "presidenoy"
53 (1)	For the words from the beginning down to "the Punjab and (inclusive) there shall be substituted The province of, and the words with or without an executive council shall be omitted.
57	At the end of the section there shall be inserted An order made as aforesaid shall not be called into question in any legal proceedings on the ground that it was not duly made by the Lieutenant-governor in counsell."
58	"Assam, the Central Provinces, shall be omitted.
65	For "Governor-General in Legislative Council there shall be substituted Indian legislature."
67	"either chamber of the Indian legislature shall be substituted for "the counsell. At the end of sub-section (2) the following shall be inserted— or any measure— (i) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under this Act to be subject to legislation by the Indian legislature or (ii) repealing or amending any Act of a local legislature or (iii) repealing or amending any Act or ordinance made by the Governor General.
68	(2A) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor General may certify that the Bill, or any clause of it or the amendment, affects the safety or tranquillity of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment and effect shall be given to such direction."
69	"Bill shall be substituted for Act and a Bill for an Act " "by both chambers of the Indian legislature shall be substituted for at a meeting of the Indian Legislative Council, and "whether he was or was not present in counsell at the passing thereof shall be omitted. " A Bill passed by both chambers of the Indian legislature shall not become an Act " shall be substituted for An Act of the Governor-General in Legislative Council has no validity in Council " shall be inserted after " His Majesty and " to the Governor General through the Secretary of State in Council shall be omitted. " Indian legislature shall be substituted for Governor-General in Legislative Council; "In Counsell; shall be inserted after " His Majesty and through the Secretary of State in Council " shall be omitted.

Section of Act.	Amendment.
70	This section shall be omitted
71 (2)	" Indian legislature " shall be substituted for " Governor-General in Legislative Council "
72	" Indian legislature " shall be substituted for " Governor-General in Legislative Council."
73	In sub-section (1) " a governor or of " shall be omitted and " and of members nominated or elected as hereinafter provided " shall be substituted for " with the addition of members nominated or elected in accordance with rules made under this Act " In sub-section (3), " as hereinafter provided " shall be substituted for " in accordance with rules made under this Act " Sub-section (4) shall be omitted
74	This section shall be omitted.
75	This section shall be omitted.
76	In sub-section (1) " section " shall be substituted for " Act " and the following proviso shall be substituted for the existing proviso — " Provided that the number of members so nominated or elected shall not, in the case of the legislative council of a lieutenant-governor, exceed one hundred " In sub-section (2) " Non-officials " shall be substituted for " persons not in the civil or military service of the Crown in India." In sub-section (4) " Indian legislature or the local legislature " shall be substituted for " Governor-General in Legislative Council "
78	The following provision shall be inserted at the beginning of sub-section (1) — " A lieutenant-governor or a chief commissioner who has a legislative council may appoint such times and places for holding the sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council, and any meeting of the legislative council of a lieutenant-governor or a chief commissioner may be adjourned by the person presiding " In sub-section (2) " in accordance with rules made under this Act " shall be omitted.  For sub-section (3) the following sub-sections shall be substituted — (3) All questions at a meeting of the legislative council of a lieutenant-governor or chief commissioner shall be determined by a majority of votes of the members present other than the lieutenant-governor, chief commissioner, or presiding member, who shall, however, have and exercise a casting vote in case of an equality of votes (4) Subject to rules affecting the council, there shall be freedom of speech in the legislative councils of lieutenant-governors and chief commissioners. No person shall be liable to any proceedings in any court by reason of his speech or vote in those councils, or by reason of anything contained in any official report of the proceedings of those councils."

Section of Act.	Amendment.
79	This section shall be omitted.
80	In sub-section (1) after "local legislative council", there shall be inserted " (other than a governor's legislative council). Sub-section (2) shall be omitted.  In sub-section (3) after "local government" there shall be inserted " of a province other than a governor's province, the word Governor where it occurs immediately before the word Lieutenant-Governor" shall be omitted, and "Indian legislature" shall be substituted for " Governor-General in Legislative Council."
	At the end of the section the following new sub-sections shall be inserted :— (4) The local Government of any province (other than a governor's province) for which a local legislative council is hereafter con- stituted under this Act shall, before the first meeting of that council, and with the sanction of the Governor General in Council, make rules for the conduct of legislative business in that council (including rules for prescribing the mode of promul- gation and authentication of laws passed by that council). (5) The local legislature of any such province may subject to the assent of the lieutenant-governor or chief commissioner alter the rules for the conduct of legislative business in the local council (including rules prescribing the mode of promulga- tion and authentication of laws passed by the council), but any alteration so made may be disallowed by the Governor-General in Council, and if so disallowed shall have no effect."
81	Throughout sub-sections (1) and (2) and in sub-section (3) where it first occurs, for "Act" there shall be substituted "Bill" and in sub-section (1) "by" shall be substituted for "at a meeting of."  for "an Act" there shall be substituted "a Bill," and for "has no effect" there shall be substituted "shall not become an Act."
82	For "any such Act" where those words occur for the first and third times, there shall be substituted "an Act," and for those words where they occur for the second time there shall be substituted "the Act."
	In sub-section (1) after "His Majesty" there shall be inserted "in Council"
	and the words "through the Secretary of State in Council" shall be omitted.
83	This section shall be omitted.
84	"An Act of the Indian Legislature" shall be substituted for "a law made by the Governor General in Legislative Council," and "non official members" shall be substituted for "members not holding office under the Crown in India." In paragraph (c) "an Act of" shall be substituted for "a law made by"
85	In sub-section (1) "ordinary" shall be omitted, and after the words "Executive Council" where they first occur there shall be inserted the words "other than the Commander in-Chief".

Section of Act	Amendment
87	"ordinary" shall be omitted, and after "Governor-General" where it occurs for the second time, there shall be inserted "(other than the Commander-in-Chief)"
89	In sub-section (4) for "ordinary member of the council" there shall be substituted "member of the council (other than the Commander-in-Chief)"
90	In sub-section (1) after "Governor" there shall be inserted "of a presidency"  In sub-section (4) "ordinary" shall be omitted, and after "executive council" there shall be inserted "(other than the Commander-in-Chief)"
92	"a member" shall be substituted for "an ordinary member" and for "any ordinary member," and after "executive council of the Governor-General" there shall be inserted "(other than the Commander-in-Chief)"  In sub-section (5) (a) "under this Act" shall be omitted
93 (1)	"either chamber of the Indian legislature" shall be substituted for "the Indian Legislative Council"
95	Before "offices" wherever that word occurs, before "officers," and before "promotions" where it occurs for the second time, there shall be inserted "military"
97	"Section 96A of this Act" shall be substituted for "the last foregoing section"
110	In sub-section (1) after "Governor or Lieutenant Governor" there shall be inserted "and a minister appointed under this Act"
124	In sub-section (4) after "Lieutenant Governor" where it secondly occurs, there shall be inserted "or being a minister appointed under this Act"
131	"Indian legislature" shall be substituted for "Governor-General in Legislative Council"
134 (4)	The following paragraph shall be substituted for paragraph (4) — "(4) 'Local government' means, in the case of a governor's province, the governor in council or the governor acting with ministers (as the case may require), and, in the case of a province other than a governor's province, a lieutenant-governor in council, lieutenant-governor or chief commissioner'  'Local legislative council' includes the legislative council in any governor's province, and any other legislative council constituted in accordance with this Act  'Local legislature' means, in the case of a governor's province, the governor and the legislative council of the province, and in the case of any other province, the lieutenant-governor or chief commissioner in legislative council"

Section of Act.	Amendment.
135	The following section shall be substituted for section 135 — 135. This Act may be cited as the Government of India Act."
Second Schedule.	The following Schedule shall be substituted for the Second Schedule —
<b>SECOND SCHEDULE.</b>	
<b>OFFICIAL SALARIES, ETC.</b>	
Officer	Maximum Annual Salary
Governor-General of India	Two hundred and fifty six thousand rupees.
Governor of Bengal, Madras, Bombay and the United Provinces.	One hundred and twenty-eight thousand rupees.
Commander in Chief of His Majesty's forces in India.	One hundred thousand rupees.
Governor of the Punjab and Bihar and Orissa.	One hundred thousand rupees.
Governor of the Central Provinces	Seventy two thousand rupees.
Governor of Assam	Sixty six thousand rupees.
Lieutenant-governor	One hundred thousand rupees.
Member of the Governor-General's executive council (other than the Commander in-Chief).	Eighty thousand rupees.
Member of the executive council of the Governor of Bengal, Madras, Bombay and the United Provinces.	Sixty four thousand rupees.
Member of the executive council of the Governor of the Punjab and Bihar and Orissa.	Sixty thousand rupees.
Member of the executive council of the Governor of the Central Provinces.	Forty eight thousand rupees.
Member of the executive council of the Governor of Assam.	Forty two thousand rupees.

Section of Act	Amendment.
Third Schedule	<p>The following Schedule shall be substituted for the Third Schedule.—</p> <p style="text-align: center;"><b>THIRD SCHEDULE</b></p> <p style="text-align: center;"><b>OFFICES RESERVED TO THE INDIAN CIVIL SERVICE.</b></p> <p><i>A.—Offices under the Governor-General in Council.</i></p> <p>1 The office of secretary, joint secretary, and deputy secretary in every department except the Army, Marine, Education, Foreign, Political, and Public Works Departments Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department, as the case may be, need not be so filled</p> <p>2. Three offices of Accountants-General.</p> <p><i>B—Offices in the provinces which were known in the year 1861 as “Regulation Provinces”</i></p> <p>The following offices, namely —</p> <ul style="list-style-type: none"> <li>1. Member of the Board of Revenue</li> <li>2 Financial Commissioner.</li> <li>3 Commissioner of Revenue</li> <li>4 Commissioner of Customs.</li> <li>5 Opium Agent</li> <li>6 Secretary in every department except the Public Works or Marine Department</li> <li>7 Secretary to the Board of Revenue</li> <li>8 District or sessions judge</li> <li>9 Additional district or sessions judge</li> <li>10 District magistrate</li> <li>11 Collector of Revenue or Chief Revenue Officer of a district.</li> </ul>
Fifth Schedule	“Indian legislature” shall be substituted in the heading for “Governor-General in Legislative Council”

NOTE—In parts I and II of the Second Schedule to this Act references to any word or expression in any provision of the principal Act or this Act apply, unless the contrary is stated, to that word or expression wherever the word or expression occurs in that provision

### PART III.

Section of Act	How dealt with.
16	To be omitted
42	“and signifies his intended absence to the Council” shall be omitted.

Section of Act.	How dealt with.
45 (2)	To be omitted.
51	" and signifies his intended absence to the Council and civil " shall be omitted.
64 (3)	To be omitted.
53 (1)	In paragraph (b) after "illness or otherwise" there shall be inserted " and for supplying a vacancy until it is permanently filled."
63	In sub-section (1) (d) "airmen" shall be inserted after "soldiers and or the Air Force Act" shall be inserted after the Army Act."
	In sub-section (2) (i) "the Air Force Act" shall be inserted after the Army Act.
67	"naval, or air shall be substituted for or naval"
73 (2)	To be omitted.
81	In sub-section (1) whether he was or was not present in Council at the passing of the Act shall be omitted.
83	The following proviso shall be inserted at the end of sub-section (3) —  "Provided that nothing in this sub-section shall apply to the allowances or other forms of profit and advantage which may have been sanctioned for such persons by the Secretary of State in Council."
87	For "subject to the foregoing provisions of this Act as to leave of absence there shall be substituted save in the case of absence on special duty or on leave under a medical certificate.
	After council of a governor there shall be inserted "or of a lieutenant governor"
88	To be omitted.
89	"entitled under a conditional appointment to succeed to the office of Governor-General, or and absolutely shall be omitted, and for that office there shall be substituted the office of Governor General."
90	In sub-section (1) "conditional or other" shall be omitted.
	In sub-section (3) for "this Act" there shall be substituted section eighty nine of this Act and " respecting the assumption of the office by a person conditionally appointed to succeed thereto" shall be omitted.
	In sub-section (4) "conditional or other" shall be omitted.
91	In sub-section (1) "conditional or other" shall be omitted.

Section of Act	How dealt with .
92	<p>In sub-section (1) "conditional or other" shall be omitted</p> <p>In sub-section (3) "then, if any person has been conditionally appointed to succeed to his office and is on the spot, the place of that member shall be supplied by that person, and if no person conditionally appointed to succeed to the office is on the spot" shall be omitted</p> <p>In sub-section (4) "conditionally or" shall be omitted</p>
115	<p>At the end of sub-section (1) the following shall be inserted —</p> <p>"His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof"</p> <p>At the end of sub-section (2) the following shall be inserted —</p> <p>"and as metropolitan shall have, enjoy, and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent direct His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop"</p>
118	<p>In sub-section (1) "and archdeacons" shall be omitted, and after "letters patent" there shall be inserted "and the archdeacons of those diocese by their respective diocesan bishops"</p>

THE TREATIES OF PEACE (AUSTRIA AND BULGARIA) ACT, 1920

(10 Geo. 5, c. 6.)

*An Act to carry into effect Treaties of Peace between His Majesty and certain other Powers*

[27th April, 1920]

WHEREAS at St Germain-en-Laye, on the tenth day of September, nineteen hundred and nineteen, a Treaty of Peace with Austria, including protocols and declarations annexed thereto, was signed on behalf of His Majesty

And whereas at Neuilly-sui-Seine, on the twenty-seventh day of November, nineteen hundred and nineteen, a Treaty of Peace with Bulgaria, including a protocol annexed thereto, was signed on behalf of His Majesty.

And whereas copies of the said Treaties have been laid before each House of Parliament, and it is expedient that His Majesty should have

*The Army and Air Force (Annual) Act 1920 [10 Geo 5, c 7]*

power to do all such things as may be proper and expedient for giving effect to the said Treaties

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows —

of effect L (1) His Majesty may make such appointments, establish such offices make such Orders in Council, and do such things as appear to him to be necessary for carrying out the said Treaties, and for giving effect to any of the provisions of the said Treaties

(2) Any Order in Council made under this Act may provide for the imposition, by summary process or otherwise, of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act but may be varied or revoked by a subsequent Order in Council, and shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act 1893

55 & 57 Vict,  
c 64

Provided that if an Address is presented to His Majesty by either House of Parliament within the next twenty-one days on which that House has sat after any Order in Council made under this Act has been laid before it praying that the Order or any part thereof may be annulled His Majesty in Council may annul the Order or such part thereof and it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder

(3) Any expenses incurred in carrying out the said Treaties shall be defrayed out of moneys provided by Parliament

title. 2 This Act may be cited as the Treaties of Peace (Austria and Bulgaria) Act 1920

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**THE ARMY AND AIR FORCE (ANNUAL) ACT, 1920**

(10 Geo 5, c 7)

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**ARRANGEMENT OF SECTIONS**

**SECTION**

- 1 Short title
- 2 Army Act and Air Force Act to be in force for specified times
- 3 Prices in respect of billeting

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

*Part I —Amendments of Army Act*

SECTION

4. References to general officers to include colonels commandant.
5. Abolition of regimental courts-martial.
6. Amendment of s 180

*Part II —Amendments of Air Force Act.*

7. Amendment of s 46A and s 183.
8. Amendment of s 84
9. Amendment of s 85.
10. Amendment of s 115
11. New designations for air force officers.

*Part III.—Amendments of Army Act applicable also to the Air Force Act.*

12. Amendment of ss 44 and 182.
13. Amendment of s 48.
14. Amendment of s 54
15. Power to suspend sentences.
16. Amendment of s 70
17. Amendment of s. 81.
18. Amendment of s. 104.
19. Amendment of s 124.
20. Amendment of s 125.
21. Amendment of s 138.
22. Amendment of s 145.
23. Penalty for interference with military duties, etc.
24. Amendment of s. 158
25. Application of Part III to air force.

REPEAL OF ENACTMENTS, ETC.

26. Repeal.
27. Date on which amendments to Air Force Act are to come into operation.

SCHEDULES.

*An Act to provide during Twelve Months for the Discipline and Regulation of the Army and Air Force and to repeal certain provisions in section twelve of the Air Force (Constitution) Act, 1917*

[27th April 1920]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace unless it be with the consent of Parliament is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown and that the whole number of such forces should consist of five hundred and twenty five thousand including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas under the Air Force (Constitution) Act 1917 His 7 & 8 Geo 5, c 51  
Majesty is entitled to raise and maintain the air force and it is judged necessary that the whole number of such force should consist of twenty nine thousand seven hundred and thirty including those employed as aforesaid but exclusive of the numbers serving as aforesaid and the provisions of the Air Force Act are due to expire at the same dates as the provisions of the Army Act

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore or sent to do duty or be on board transport ships or vessels merchant ships or vessels or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb or subjected in time of peace to any kind of punishment within this realm by martial law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm yet nevertheleſt it being requisite for the restraining all the before-mentioned force and other persons subject to military law or to the Air Force Act in their duty that an exact discipline be observed and that persons belonging to the aid forces who mutiny or stir up sedition or desert His Majesty's service or are guilty of crimes and offences to the prejudice

of good order and military or air-force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow.

5 Vic. And whereas the Army Act<sup>1</sup> and the Air Force Act will expire in the year one thousand nine hundred and twenty on the following days:—

- (a) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April, and
- (b) Elsewhere whether within or without His Majesty's dominions, on the thirty-first day of July.

Be it, therefore, enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Army and Air Force (Annual) Act, short title 1920.

2. (1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

- (a) Within the United Kingdom, the Channel Islands, and the Isle of Man from the thirtieth day of April one thousand nine hundred and twenty to the thirtieth day of April one thousand nine hundred and twenty-one, both inclusive, and
- (b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and twenty to the thirty-first day of July one thousand nine hundred and twenty-one, both inclusive

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the First Schedule to this Act

<sup>1</sup> See Vol I of this publication

**AMENDMENTS OF THE ARMY AND AIR FORCE ACTS***Part I —Amendments of Army Act*

**4.** The sections of the Army Act specified in the Second Schedule to this Act shall be amended in the manner shown in the second column of that schedule with a view to including where necessary references to colonels commandant in references to general officers

**of** **5** Regimental courts-martial shall be abolished and accordingly the provisions of the Army Act specified in the Third Schedule to this Act shall be omitted from the Army Act

**a. 180.** **6** At the end of paragraph (e) of sub-section (2) of section one hundred and eighty of the Army Act (which relates to the powers of courts-martial in India) the following words shall be added —

and in addition if the court or authority thinks fit to be severely reprimanded or reprimanded

*Part II —Amendments of Air Force Act*

**a. 48A**  
**a. 183.** **7** At the end of sub-section (1) of section forty six A and of sub-section (2) of section one hundred and eighty three of the Air Force Act the following proviso shall be inserted —

Provided that where the Air Council in special circumstances so direct any powers which under this provision may be exercised by an officer of air rank may be exercised by a group captain."

**a. 81.** **8** In section eighty four of the Air Force Act (which relates to the re-engagement of airmen) ' twenty four years ' shall be substituted for twenty-one years

**a. 83.** **9** (1) In section eighty five of the Air Force Act (which relates to the continuation of service of airmen) ' the total period of service for which he has re-engaged under the last preceding section of this Act ' shall be substituted for a total period of twenty-one years' service "

(2) In the case of an airman who has re-engaged before the commencement of this Act section eighty five of the Air Force Act shall take effect as if it had not been amended by this Act

**a. 113.** **10** Sub-section (10) of section one hundred and fifteen of the Air Force Act (which relates to the sale and purchase of horses under a requisition of emergency) shall apply to aircraft as it applies to horses, and accordingly in that sub-section after the word ' horses ' and after the word ' horse ' wherever those words occur, there shall be inserted the words ' or aircraft - '

**11.** (1) The sections of the Air Force Act specified in the Fourth Schedule to this Act shall be amended in the manner shown in that schedule, in view of the new designations of officers of the air force.

(2) Any designation which in the said schedules is required to be substituted for any other designation shall be deemed to have been substituted for that designation in any Act, order, regulation or warrant passed or made before the passing of this Act and applicable to officers of the air force.

(3) The following sub-section shall be substituted for sub-section (46) of section one hundred and ninety of the Air Force Act.—

“(46) The expression ‘air officer’ means any officer above the rank of ‘group captain’”

*Part III—Amendments of Army Act applicable also to the Air Force Act*

**12.** (1) Section forty-four of the Army Act (which relates to punishments) shall be amended as follows.—

Amendment of ss 44 and 182

(a) After paragraph (m) there shall be inserted the following new paragraph:—

“(mm) In the case of a non-commissioned officer, reprimand or severe reprimand”,

(b) In proviso (3), after the words “an officer,” there shall be inserted the words “or a non-commissioned officer”

(2) Section one hundred and eighty-two of the Army Act (which relates to warrant officers) shall be amended as follows —

In paragraph (a) of sub-section two the words “be reprimanded, or severely reprimanded or to” shall be inserted after the words “by a district court-martial to”

**13.** In sub-section (3) of section forty-eight of the Army Act (which relates to the constitution of general courts-martial) the words “in the United Kingdom, India, Malta and Gibraltar, of not less than nine, and elsewhere” shall be omitted, and for the word “five” where it last occurs there shall be substituted the word “four”

**14.** In sub-section (3) of section fifty-four (which relates to a finding of acquittal by a court-martial) the words “if it relates to the whole of the offences” shall be omitted where they at present occur, and those words shall be inserted after the words “in open court, and”

**15.** (1) The following section shall be inserted after section fifty-seven of the Army Act:—

Power to suspend sentences.

“57A (1) Where a soldier is sentenced to penal servitude, imprisonment or detention, the confirming authority to whom the sentence is sub-

years, his next-of kin shall within a period of twelve months after his death, have the same right to obtain a copy of the proceedings ”

**20** At the end of section one hundred and twenty five of the Army Act (which relates to the summoning and privilege of witnesses at courts-martial) there shall be added the following sub-section —

“ (3) For the purposes of this and the next succeeding section the expression ‘ a court martial ’ shall be deemed to include an officer taking a written summary of evidence in accordance with rules of procedure made under this Act and references to the president or members of a court-martial shall be construed as including references to such officers ”

**21.** The following sub-section shall be inserted after sub-section (4) of section one hundred and thirty-eight of the Army Act (which relates to penal stoppages from ordinary pay of soldiers) —

‘ (4A) The share he is required to contribute as belonging to a unit towards compensation for barrack damage which after due investigation to be held in the manner provided in the King’s Regulations appears to have been occasioned by the wilful act or negligence of a person or persons who cannot be identified belonging to the unit during the period while such unit was in occupation

“ For the purposes of this paragraph, the expression ‘ barrack damage ’ means damage to or loss or destruction of any premises in which soldiers are quartered or billeted or any appurtenances fixtures furniture or effects therein or appertaining thereto and the expression ‘ unit ’ includes any part of a unit —

**22.** (1) Sub-section (2) of section one hundred and forty five of the Army Act (which relates to the liability of a soldier to maintain his wife and children) shall be amended as follows —

The words from “ where the soldier is a Warrant Officer (Class I) ” to the end of the sub-section inclusive shall be omitted, and the following words shall be inserted instead thereof —

“ where the soldier is a Warrant Officer (Class I) not holding an honorary commission—in respect of a wife or children four shillings and in respect of a bastard child three shillings

“ where the soldier is a Warrant Officer (Class II) not holding an honorary commission, or a non-commissioned officer who is

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\* This section is virtually repealed—see 11 & 12 Geo 5 c 9 in re

not below the rank of sergeant—in respect of a wife or children, two shillings and six pence, and in respect of a bastard child, one shilling and six pence;

“in the case of any other soldier—in respect of a wife or children, one shilling and six pence, and in respect of a bastard child, one shilling”

(2) Where an order had, before the coming into operation of this section, been made under section one hundred and forty-five of the Army Act authorising deductions from pay, a further order may be made increasing the amount of the deduction to be made after the coming into operation of this section under the former order up to the limit authorised by this Act

(3) This section shall, notwithstanding anything in section fourteen of the Army (Annual) Act, 1904, come into operation, both in the British Isles and elsewhere, on the passing of this Act.

**23.** The following section shall be inserted after section one hundred and fifty-three of the Army Act —

“153A Any person who, in the United Kingdom or elsewhere,

Penalty for  
interference  
with military  
duties, etc.

- (a) wilfully obstructs, impedes, or otherwise interferes with any officer or soldier in the execution of his duties, or
- (b) wilfully produces any disease or infirmity in, or maims or injures, any man whom he knows to be a soldier with a view to enabling such man to avoid military service, or
- (c) with the intent of enabling a soldier to render himself, or induce the belief that he is, permanently or temporarily unfit for service, supplies to or for such soldier any drug or preparation calculated or likely to render him or lead to the belief that he is permanently or temporarily unfit for service,

shall be liable, on summary conviction, to a term of imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine”

**24** At the end of sub-section (1) of section one hundred and fifty-eight of the Army Act (which relates to liability to military law) the following words shall be added “and the limitation of time imposed by this proviso shall not apply in the case of a person who has been attached to or seconded for service with His Majesty’s military forces and has ceased to be subject to military law by reason only of the termination of such attachment or seconding”

Section  
Part III  
air force.

**25** References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act and this Part of this Act shall in its application to the air force have effect subject to any of the general modifications set out in Part I of the Second Schedule of the Air Force (Constitution) Act 1917 which apply and also the following modifications —

7 & 8 Geo  
c. 51.

For references to—	There shall be substituted references to—
general officer	"general or air officer"
"general officer or colonel commandant"	general or air officer.
"field officer"	"squadron leader"
"army services"	air force services.
"section fourteen of the Army (Annual) Act, 1904"	"this Act."
"His Majesty's military forces"	"the air force."
"military law"	"this Act."

#### REPEAL OF ENACTMENTS ETC

**26** The provisions of section twelve of the Air Force (Constitution) Act 1917 and the other enactments specified in the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule

Provided that—

- (a) nothing in the repeal of the provisions of section twelve of the Air Force (Constitution) Act 1917 shall affect the application of those provisions to amendments of the Army Act made before the passing of this Act and
- (b) any sentence in force at the date of the commencement of this Act which has been suspended under the provisions of any enactment repealed by this Act shall be deemed to have been suspended under section fifty seven A of the Army Act

Date on  
which  
amendments  
to Air Force  
Act are to  
be made  
operative in

**27** Amendments of the Air Force Act contained in this or any other Act continuing the Air Force Act shall come into operation in any place as from the date from which the Air Force Act is by this or such other Act continued in that place

## SCHEDULES.

## FIRST SCHEDULE

Section 3.

Accommodation to be provided	Maximum Price
Lodging and attendance for soldier where meals furnished.	Ten pence per night
Breakfast as specified in Part I of the Second Schedule to the Army and Air Force Acts.	Ten pence each.
Dinner as so specified . . . .	Two shillings.
Supper as so specified . . . .	Six pence
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Ten pence
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse	Three shillings per day.
Stable room without forage . . . .	Six pence per day
Lodging and attendance for officer . . . .	Three shillings per night.

NOTE.—An officer shall pay for his food.

## SECOND SCHEDULE.

Section 4.

## AMENDMENTS RELATING TO COLONELS COMMANDANT

Section.	How to be Amended.
ss. 43 and 46 (1) . . . .	After "general officer" there shall be inserted "or colonel commandant."
s. 46A (1) . . . . .	After "general officer" where those words first occur there shall be inserted "or colonel commandant"
ss. 46A (5), 73 (3), 74 (1), 177, 183 (2) and 189 (2), (3) and (4)	After "general officer" there shall be inserted "or colonel commandant"

25 References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act and this Part of this Act shall in its application to the air force have effect subject to any of the general modifications set out in Part I of the Second Schedule of the Air Force (Constitution) Act 1917 which apply and also the following modifications —

For references to—	There shall be substituted references to—
“general officer”	“general or air officer”
“general officer or colonial commandant”	general or air officer
field officer	squadron leader
“army services”	air force services.”
“section fourteen of the Army (Annual) Act, 1904”	“this Act.”
“His Majesty’s military forces”	the air force.
military law	“this Act.”

#### REPEAL OF ENACTMENTS ETC

## Repeal

26 The provisions of section twelve of the Air Force (Constitution) Act 1917 and the other enactments specified in the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule

Provided that—

- (a) nothing in the repeal of the provisions of section twelve of the Air Force (Constitution) Act 1917 shall affect the application of those provisions to amendments of the Army Act made before the passing of this Act and
- (b) any sentence in force at the date of the commencement of this Act which has been suspended under the provisions of any enactment repealed by this Act shall be deemed to have been suspended under section fifty-seven A of the Army Act

27 Amendments of the Air Force Act contained in this or any other Act continuing the Air Force Act shall come into operation in any place as from the date from which the Air Force Act is by this or such other Act continued in that place

Section of Act.	Former Designation	Present Designation to be substituted.
49 (1) (c)	"captain" . . . .	"flight heutenant"
54 (1) (d)	"general field or flag officer" .	"officer (not being below the rank of squadron leader, flag officer or field officer)"
73 (3)	"prescribed general officer" .	"prescribed officer"
74 (1)	"general officer" . . .	"air officer."
108A (1)	"general or field officer" .	"officer not below the rank of squadron leader"
115 (1)	"general or field officer" .	"officer not below the rank of squadron leader"
122 (1) (c) and (e)	"degree of field officer" .	"rank of squadron leader."
122 (1) proviso.	"field officer" in both places where those words occur.	"squadron leader."
	"degree of captain" . . .	"rank of flight lieutenant."
122 (6)	"a field officer" . . .	"squadron leader"
123 (1) (b)	"captain" . . . .	"flight heutenant."
154	"general" wherever that word occurs	"air"
172	"general or other" in both places where those words occur.	"air or other."
173	"captain" . . . .	"flight lieutenant"
177	"general officer" . . .	"air officer."
179A (1) (d)	"general or other" wherever those words occur	"air or other"
182 (4)	"captain" . . . .	"flight heutenant."
183 (2)	"any general or flag officer" .	"any air, general or flag officer"
184 (2)	"general or other" wherever those words occur.	"air or other"
189	"general officer" wherever those words occur.	"air officer"

Section 5.

## THIRD SCHEDULE

PROVISIONS TO BE OMITTED IN CONNECTION WITH THE ABOLITION OF  
REGIMENTAL COURTS-MARTIAL

Section 47

Section 54 (1) (a)

In section 182 (1) the words " nor tried by regimental court-martial "

In section 184 (1) the words " other than a regimental court martial "

In section 184 (2) the words or by a regimental court-martial "

Section 11

## FOURTH SCHEDULE

## SUBSTITUTION OF NEW DESIGNATIONS

The sections of the Air Force Act mentioned in the following table shall be amended by the substitution of the designations set out in the third column for those set out in the second column —

Section of Act.	Former Designation.	Present Designation to be substituted.
43	" captain wherever that word occurs. prescribed general officer "	" flight lieutenant." " proscribed officer."
46 (1)	" field officer "	" squadron leader "
	" a general officer "	" an air or general officer."
46A (1)	" field officer "	" squadron leader."
	" general officer authorised "	" air officer authorised."
	" officer (not under the rank of Major-General)."	" air force officer of air rank."
46A (3)	" a general officer "	" an air or general officer
48	" captain wherever that word occurs."	" flight lieutenant."
48 (7)	" a field officer "	" an officer of or above the rank of squadron leader "
48 (9)	" field officer " where that word first occurs. " a field officer " where that word occurs the second time "	" squadron leader " " an officer of or above the rank of squadron leader "

Section of Act.	Former Designation	Present Designation to be substituted.
49 (1) (c)	"captain" . . . . .	"flight lieutenant"
54 (1) (d)	"general field or flag officer" .	"officer (not being below the rank of squadron leader, flag officer or field officer)"
73 (3)	"prescribed general officer"	"prescribed officer"
74 (1)	"general officer" . . . .	"air officer."
108A (1)	"general or field officer" .	"officer not below the rank of squadron leader"
115 (1)	"general or field officer" .	"officer not below the rank of squadron leader"
122 (1) (c) and (e)	"degree of field officer" .	"rank of squadron leader."
122 (1) proviso	"field officer" in both places where those words occur.	"squadron leader."
	"degree of captain" . . .	"rank of flight lieutenant."
122 (6)	"a field officer" . . . .	"squadron leader"
123 (1) (b)	"captain" . . . . .	"flight lieutenant."
154	"general" wherever that word occurs.	"air"
172	"general or other" in both places where those words occur.	"air or other."
173	"captain" . . . . .	"flight lieutenant."
177	"general officer" . . . .	"air officer."
179A (1) (d)	"general or other" wherever those words occur.	"air or other"
182 (4)	"captain" . . . . .	"flight lieutenant."
183 (2)	"any general or flag officer" .	"any air, general or flag officer"
184 (2)	"general or other" wherever those words occur.	"air or other"
189	"general officer" wherever those words occur	"air officer"

Section 26.

## FIFTH SCHEDULE

## REPEALS

Session and Chapter	Short Title.	Extent of Repeal.
5 Geo. 5, c. 23	The Army (Suspension of Sentences) Act, 1915.	The whole Act.
5 & 6 Geo. 5, c. 103	The Army (Suspension of Sentences) Amendment Act 1916	The whole Act.
7 & 8 Geo. 5, c. 51	The Air Force (Constitution) Act, 1917	Sub-sections (2) and (3) of section twelve and in sub-section (4) of section twelve the words "the Army Act or" wherever those words occur and the words from "but as respects" to "as aforesaid."
9 Geo. 5, c. 15	The Naval, Military and Air Force Service Act, 1919	Sub-section (3) of section two.

## THE OVERSEAS TRADE (CREDITS AND INSURANCE) ACT, 1920

(10 &amp; 11 Geo 5 c 29)

## ARRANGEMENT OF SECTIONS

## SECTION

- 1 Power of Board of Trade to grant credits and undertake insurance
- 2 Commencement and operation
- 3 Power to make additions to Schedule
- 4 Exercise of powers of Board of Trade under Act
- 5 Return of credits granted
- 6 Short title

## SCHEDULE

*An Act to authorise the granting of Credits and the undertaking of Insurances for the purpose of re-establishing Overseas Trade*

[9th August 1920]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons,

in this present Parliament assembled, and by the authority of the same, as follows —

**L.** (1) For the purpose of re-establishing trade or any branch of trade between the United Kingdom and any country, <sup>1\*</sup> \* \* the Board of Trade, with the consent of the Treasury, and after consultation with an advisory committee to be constituted by the Board of Trade for the purposes of this Act, may, where it appears to the Board advisable so to do by reason of circumstances arising out of the war—

- (a) make arrangements for granting to persons domiciled in or to companies incorporated by or under the laws of the United Kingdom credits in connection with the export to any country <sup>2\*</sup> \* \* of goods wholly or partly produced or manufactured in the United Kingdom, and
- (b) undertake the business of the insurance (including re-insurance) of any such goods as aforesaid where risks of an abnormal or exceptional nature are involved, insurance against which cannot, in the opinion of the Board, be otherwise effected on reasonable terms, and for that purpose fix and receive premiums

Provided that no credit shall be granted by the Board under this section—

- (i) so as to make the aggregate amount outstanding in respect of credits at any time exceed the sum of twenty-six million pounds or

\* \* \* \* \*

(2) Subject to the provisions of this section, any sums repaid to the Board of Trade in respect of credits granted under this section may be applied by the Board for the purpose of any further credits so granted at any subsequent date

(3) Any sums received by the Board of Trade by way of commission in respect of credits granted under this section, and any premiums received by the Board in respect of insurances undertaken under this section, may be applied by the Board in payment respectively of any expenses incurred in connection with the granting of credits and any expenses incurred in connection with the business of insurance

(4) Subject as otherwise expressly provided in this section, any expenses incurred by the Board of Trade under this section shall be paid out of moneys provided by Parliament, and any excess of receipts over expenses shall be paid into the Exchequer in accordance with directions to be given by the Treasury.

<sup>1</sup> The words "being one of the countries specified in the Schedule to this Act" were repealed by s. 3 and Sch. of 11 & 12 Geo. 5, c. 65, *infra*

<sup>2</sup> The words "specified in the Schedule to this Act" were repealed by *ibid*

<sup>3</sup> Clause "(ii)" was repealed by *ibid*

*The Maintenance Orders (Facilities for Enforcement) Act, 1920*

Commerce  
ment and  
operation.

2 (1) This Act shall be deemed to have had effect as from the twenty-first day of June nineteen hundred and nineteen.

(2) The powers<sup>1</sup> of the Board of Trade under this Act with respect to the granting of credits may be exercised at any time within the period of three years from the eighth day of September nineteen hundred and nineteen, and the powers of the Board under this Act with respect to the business of insurance may be exercised at any time within the period of three years from the twenty-first day of June nineteen hundred and nineteen so however, that it shall be a term of every credit granted under this Act that any sums becoming due to the Board thereunder shall be repayable at [some date not later than eight years from the said eighth day of September nineteen hundred and nineteen].

3 [Power to make additions to Schedule —Rep 11 & 12 Geo 5, c 65,  
■ 3 and Sch]

\*4 Any things authorised under this Act to be done by or to the Board of Trade may be done by or to the President or secretary, or an assistant secretary of the Board or by or to any person authorised in that behalf by the President of the Board.

5 The Board of Trade shall publish quarterly a return showing the amounts of any credits granted under this Act and the countries in respect of which credits have been granted.

6 This Act may be cited as the Overseas Trade (Credits and Insurance) Act 1920.

Exercise of  
powers of  
Board of  
Trade under  
Act.

Return of  
credits  
granted.

Short title

Section 1

SCHEDULE

[Rep 11 & 12 Geo 5 c 65, s 3 and Sch]

**THE MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT 1920**

(10 & 11 Geo 5, c 33)

An Act to facilitate the enforcement in England and Ireland of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and vice versa.

[16th August 1920]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons,

<sup>1</sup> The period for exercising the powers of the Board of Trade with respect to the granting of credits and the giving of new guarantees has been extended to 8th September 1944—see 13 & 14 Geo. 5 c 37 infra.

These words were substituted for the words "some date not later than six years from the said 8th day of September, 1919" by s. 2, 11 & 12 Geo 5 c 63, infra. This section applies to things authorised under Overseas Trade (Credits and Insurance) Amendment Act 1921 (11 & 12 Geo. 5 c 20)—see s. 1 (1) of that Act infra.

in this present Parliament assembled, and by the authority of the same, as follows.—

**1.** (1) Where a maintenance order has, whether before or after the passing of this Act been made against any person by any court, in any part of His Majesty's dominions outside the United Kingdom to which this Act extends, and a certified copy of the order has been transmitted by the Governor of that part of His Majesty's dominions to the Secretary of State, the Secretary of State shall send a copy of the order to the prescribed officer of a court in England or Ireland for registration, and on receipt thereof the order shall be registered in the prescribed manner, and shall, from the date of such registration, be of the same force and effect, and, subject to the provisions of this Act, all proceedings may be taken on such order as if it had been an order originally obtained in the court in which it is so registered, and that court shall have power to enforce the order accordingly

(2) The court in which an order is to be so registered as aforesaid shall, if the court by which the order was made was a court of superior jurisdiction, be the Probate, Divorce and Admiralty Division of the High Court, or in Ireland the King's Bench Division (Matrimonial) of the High Court of Justice in Ireland, and, if the court was not a court of superior jurisdiction, be a court of summary jurisdiction

**2.** Where a court in England or Ireland has, whether before or after the commencement of this Act, made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in some part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court shall send to the Secretary of State for transmission to the governor of that part of His Majesty's dominions a certified copy of the order

**3.** (1) Where an application is made to a court of summary jurisdiction in England or Ireland for a maintenance order against any person, and it is proved that that person is resident in a part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a competent court in such part of His Majesty's dominions as aforesaid

(2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to and signed by him

(3) Where such an order is made the court shall send to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the person against whom the order is made is alleged to reside the depositions so taken and a certified copy of the order together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing and such information as the court possesses for facilitating the identification of that person and ascertaining his whereabouts.

(4) Where any such provisional order has come before a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for confirmation and the order has by that court been remitted to the court of summary jurisdiction which made the order for the purpose of taking further evidence that court or any other court of summary jurisdiction sitting and acting for the same place shall after giving the prescribed notice proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the court that the order ought not to have been made the court may rescind the order but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this section shall not affect any power of a court of summary jurisdiction to vary or rescind that order. Provided that on the making of a varying or rescinding order the court shall send a certified copy thereof to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the original order was confirmed and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.

(6) The applicant shall have the same right of appeal if any against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

4 (1) Where a maintenance order has been made by a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends and the order is provisional only and has no effect until confirmed by a court of summary jurisdiction in England or Ireland and a certified copy of the order together with the depositions of witnesses and a statement of the ground on which the order might have been opposed has been transmitted to the Secretary of State and it appears to the Secretary of State that the person against whom the order was made is resident in England or Ireland the Secretary of State may send the

I am  
court  
summary  
jurisdiction  
to confirm  
maintenance  
order made  
out of the  
United  
Kingdom.

said documents to the prescribed officer of a court of summary jurisdiction, with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition the court shall issue such a summons and cause it to be served upon such person.

(2) A summons so issued may be served in England or Ireland in the same manner as if it had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the person happens to be.

(3) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that these grounds are grounds on which objection may be taken.

(4) If at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the court after hearing the evidence may seem just.

(5) If the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(6) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on an application for rescission or variation the court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(7) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

5. The Secretary of State may make regulations as to the manner in which a case can be remitted by a court authorised to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between such courts.

Secretary of State to make regulations for facilitating communications between courts.

(3) Where such an order is made the court shall send to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the person against whom the order is made is alleged to reside the depositions so taken and a certified copy of the order together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing and such information as the court possesses for facilitating the identification of that person and ascertaining his whereabouts

(4) Where any such provisional order has come before a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for confirmation and the order has by that court been remitted to the court of summary jurisdiction which made the order for the purpose of taking further evidence that court or any other court of summary jurisdiction sitting and acting for the same place shall after giving the prescribed notice proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application

If upon the hearing of such evidence it appears to the court that the order ought not to have been made the court may rescind the order but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions

(5) The confirmation of an order made under this section shall not affect any power of a court of summary jurisdiction to vary or rescind that order. Provided that on the making of a varying or rescinding order the court shall send a certified copy thereof to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the original order was confirmed and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order

(6) The applicant shall have the same right of appeal if any against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made

4 (1) Where a maintenance order has been made by a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends and the order is provisional only and has no effect unless and until confirmed by a court of summary jurisdiction in England or Ireland and a certified copy of the order together with the depositions of witnesses and a statement of the ground on which the order might have been opposed has been transmitted to the Secretary of State and it appears to the Secretary of State that the person against whom the order was made is resident in England or Ireland the Secretary of State may send the

Powers  
of court  
of summary  
jurisdiction  
to confirm  
maintenance  
order made  
out side  
United  
Kingdom

**10 & 11 Geo. 5, c. 33.]** *The Maintenance Orders (Facilities for Enforcement) Act, 1920* 435

said documents to the prescribed officer of a court of summary jurisdiction, with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition the court shall issue such a summons and cause it to be served upon such person

(2) A summons so issued may be served in England or Ireland in the same manner as if it had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the person happens to be

(3) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that these grounds are grounds on which objection may be taken

(4) If at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the court after hearing the evidence may seem just

(5) If the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose

(6) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on an application for rescission or variation the court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking any further evidence, the court may so remit the case and adjourn the proceedings for the purpose

(7) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order

5. The Secretary of State may make regulations as to the manner in which a case can be remitted by a court authorised to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between such courts

Power of  
Secretary of  
State to  
make regula-  
tions for  
facilitating  
communica-  
tions between  
courts.

6 (1) A court of summary jurisdiction in which an order has been registered under this Act or by which an order has been confirmed under this Act and the officers of such court, shall take all such steps for enforcing the order as may be prescribed

(2) Every such order shall be enforceable in like manner as if the order were for the payment of a civil debt recoverable summarily

Provided that if the order is of such a nature that if made by the court in which it is so registered, or by which it is so confirmed it would be enforceable in like manner as an order of affiliation, the order shall be so enforceable

(3) A warrant of distress or commitment issued by a court of summary jurisdiction for the purpose of enforcing any order so registered or confirmed may be executed in any part of the United Kingdom in the same manner as if the warrant had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the warrant is executed

7 The Summary Jurisdiction Acts shall apply to proceedings before court of summary jurisdiction under this Act in like manner as they apply to proceedings under those Acts and the power of the Lord Chancellor to make rules under section twenty nine of the Summary Jurisdiction Act 1879 shall include power to make rules regulating the <sup>42 & 43</sup> <sub>Vict., c 49</sub> procedure of courts of summary jurisdiction under this Act

8 Any document purporting to be signed by a judge or officer of a court outside the United Kingdom shall until the contrary is proved be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall until the contrary is proved be deemed to have been the proper officer of the court to sign the document

9 Depositions taken in a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for the purposes of this Act may be received in evidence in proceedings before courts of summary jurisdiction under this Act

10 For the purposes of this Act the expression "maintenance order" means an order other than an order of affiliation for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made and the expression "dependants" means such persons as that person is, according to the law in force in the part of His Majesty's dominions in which the maintenance order was made liable to maintain, the expression "certified copy" in relation to an order of a court means a copy of the order certified by the proper officer of the court to be a true copy and the expression "prescribed" means prescribed by rules of court

**10 & 11 Geo. 5, c. 33.]** *The Maintenance Orders (Facilities for Enforcement) Act, 1920.* 437

**10 & 11 Geo. 5, c. 48.]** *The Indemnity Act, 1920.*

**11.** In the application of this Act to Ireland the following modifications shall be made — Application to Ireland.

- (a) The Lord Chancellor of Ireland may make rules regulating the procedure of courts of summary jurisdiction under this Act, and other matters incidental thereto
- (b) Orders intended to be registered or confirmed in Ireland shall be transmitted by the Secretary of State to the prescribed officer of a court in Ireland through the Lord Chancellor of Ireland.
- (c) The expression "maintenance order" includes an order or decree for the recovery or repayment of the cost of relief or maintenance made by virtue of the provisions of the Poor Relief (Ireland) Acts, 1839 to 1914

**12.** (1) Where His Majesty is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of maintenance orders made by courts within England and Ireland, His Majesty may by Order in Council extend this Act to that part, and thereupon that part shall become a part of His Majesty's dominions to which this Act extends.

(2) His Majesty may by Order in Council extend this Act to any British protectorate, and where so extended this Act shall apply as if any such protectorate was a part of His Majesty's dominions to which this Act extends.

**13.** This Act may be cited as the Maintenance Orders (Facilities for Enforcement) Act, 1920. Short title.

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#### THE INDEMNITY ACT, 1920.

(**10 & 11 Geo. 5, c. 48.)**

*An Act to restrict the taking of legal proceedings in respect of certain acts and matters done during the war, and provide in certain cases remedies in substitution therefor, and to validate certain proclamations, orders, licences, ordinances, and other laws issued, made, and passed, and sentences, judgments, and orders of certain courts given and made during the war*

[16th August, 1920]

Be it enacted by the King's Most Excellent Majesty, by and with the advice the consent of the Lords Spiritual and Temporal, and Commons,

in this present Parliament assembled and by the authority of the same, as follows —

Resolutions  
on the  
taking of  
legal proceed-  
ings against  
persons  
acting in  
good faith.

1. (1) No action or other legal proceeding whatsoever, whether civil or criminal, shall be instituted in any court of law for or on account of or in respect of any act matter or thing done whether within or without His Majesty's dominions during the war before the passing of this Act if done in good faith and done or purported to be done in the execution of his duty or for the defence of the realm or the public safety or for the enforcement of discipline or otherwise in the public interest by a person holding office under or employed in the service of the Crown in any capacity whether naval military air force or civil or by any other person acting under the authority of a person so holding office or so employed, and if any such proceeding has been instituted whether before or after the passing of this Act it shall be discharged and made void subject in the case of a proceeding instituted before the twentieth day of July, nineteen hundred and twenty to such order as to costs as the court or a judge thereof may think fit to make.

Provided that except in cases where a claim for payment or compensation can be brought under section two of this Act, this section shall not prevent—

- (a) the institution or prosecution of proceedings on behalf of His Majesty or any Government department
- (b) the institution or prosecution of proceedings in respect of any rights under or alleged breaches of contract if the proceedings are instituted within one year from the termination of the war or the date when the cause of action arose whichever may be the later,
- (c) the institution or prosecution of civil proceedings founded on negligence in respect of damage to person or property elsewhere than in a foreign country
- (d) the institution or prosecution of civil proceedings in respect of damage to person or property in any foreign country or if the requisitioning of property in any foreign country if the consent of the Attorney General (or in Scotland of the Lord Advocate) to the institution or prosecution of the proceedings is obtained but such consent shall not be given if the person seeking to institute or prosecute the proceeding would have had no remedy if the act complained of had been done in the United Kingdom or if other provision has been made by treaty or convention for the settlement of claims of the class in question
- (e) the institution or prosecution of proceedings respecting the validity or infringement of a patent

(2) For the purposes of this section, a petition of right shall be deemed to be a legal proceeding, and the proceeding shall be deemed to be instituted at the date on which the petition is presented

(3) For the purposes of this section, a certificate by a Government department that any act, matter, or thing was done under the authority of a person so holding office or so employed as aforesaid, or was done in the execution of a duty, shall be sufficient evidence of such authority or duty, and of such act, matter or thing having been done thereunder, or in execution thereof, any such act, matter or thing done by or under the authority of a person so holding office or so employed as aforesaid shall be deemed to have been done in good faith unless the contrary is proved

(4) Nothing in this section shall prejudice or prevent the institution or prosecution of proceedings for giving effect to a final judgment given before the passing of this Act by any court of final resort or by any other court where the judgment at the passing of this Act is not then the subject of a pending appeal

**2** (1) Notwithstanding anything in the foregoing section restricting Right to the right of taking legal proceedings, any person not being a subject of compensation for acts done a state which has been at war with His Majesty during the war and not in pursuance having been a subject of such a state whilst that state was so at war with His Majesty—  
of prerogative and other powers.

(a) being the owner of a ship or vessel which or any cargo space or passenger accommodation in which has been requisitioned at any time during the war in exercise or purported exercise of any prerogative right of His Majesty or of any power under any enactment relating to the defence of the realm, or any regulation or order made or purporting to be made thereunder, shall be entitled to payment or compensation for the use of the same and for services rendered during the employment of the same in Government service, and compensation for loss or damage thereby occasioned, or

(b) who has otherwise incurred or sustained any direct loss or damage by reason of interference with his property or business in the United Kingdom through the exercise or purported exercise, during the war, of any prerogative right of His Majesty or of any power under any enactment relating to the defence of the realm, or any regulation or order made or purporting to be made thereunder, shall be entitled to payment or compensation in respect of such loss or damage,

and such payment or compensation shall be assessed on the principles and by the tribunal hereinafter mentioned, and the decision of that tribunal shall be final

Provided that—

- (i) The provisions as to the statement of a case in any enactment relative to arbitrations shall not apply to any such tribunal if either party feels aggrieved by any direction or determination of the tribunal on any point of law he may within the time and in accordance with the conditions prescribed by rules of court appeal to the Court of Appeal or as respects Scotland to either division of the Court of Session and the decision of the Court of Appeal or Court of Session on any such appeal shall with the leave of that Court but not otherwise be subject to appeal to the House of Lords,
- (ii) nothing in this section shall confer on any person a right to payment or compensation unless notice of the claim has been given to the tribunal in such form and manner as the tribunal may prescribe within one year from the termination of the war or the date when the transaction giving rise to the claim took place whichever may be the later

(2) The payment or compensation shall be assessed in accordance with the following principles —

- (i) Where under any regulation or order made or purporting to be made under any enactment relating to the defence of the realm any special principle for assessment of any payment (including any price to be paid) or compensation or the rate thereof, is contained in the regulation or order such payment or compensation shall be assessed in accordance with that principle or rate

Provided that nothing in this provision shall prevent the tribunal in assessing the payment or compensation from taking into consideration any circumstances which under the regulation in question, it would have been entitled to take into consideration

- (ii) Where the payment or compensation is claimed under paragraph (a) of sub-section (1) of this section, it shall be assessed in accordance with the principles upon which the Board of Arbitration constituted under the proclamation issued on the third day of August, nineteen hundred and fourteen has hitherto acted which principles are set forth in Part I of the Schedule to this Act
- (iii) In any other case compensation shall be assessed as follows —
  - (a) If the claimant would apart from this Act, have had a legal right to compensation, the tribunal shall give effect to that right but in assessing the compensation shall

have regard to the amount of the compensation to which, apart from this Act, the claimant would have been legally entitled, and to the existence of a state of war and to all other circumstances relevant to a just assessment of compensation.

Provided that this sub-section shall not give any right to payment or compensation for indirect loss.

(b) If the claimant would not have had any such legal right, the compensation shall be assessed in accordance with the principles upon which the Commission appointed by His Majesty under Commissions dated the thirty-first day of March, nineteen hundred and fifteen, and the eighteenth day of December, nineteen hundred and eighteen (commonly known as the Defence of the Realm Losses Commission), has hitherto acted in cases where no special provision is made as to the assessment of compensation, which principles are set forth in Part II of the Schedule to this Act

(3) Where before the fifteenth day of April, nineteen hundred and twenty, any claim for payment or compensation has been made and disposed of by award or agreement, or has been rejected, or any payment (other than a payment expressed to be made on account) has been accepted in respect thereof, no claim for payment or compensation or further payment or compensation under this section shall be brought without the leave of the tribunal, and the tribunal shall not grant such leave except on proof of a material change of circumstances or new evidence not previously available being adduced.

(4) The tribunal for assessing payment or compensation shall, where by any of the Defence of the Realm Regulations any special tribunal is prescribed, be that tribunal, and in cases where the claim is made under paragraph (a) of sub-section (1) of this section be the said Board of Arbitration, and in any other case be the said Defence of the Realm Losses Commission.

(5) A judge of the High Court of Justice or, in cases where the claim is in respect of interference with property or business in Scotland, a judge of the Court of Session, shall be president of the Defence of the Realm Losses Commission, which Commission shall hereafter be styled and known as the War Compensation Court.

(6) A person may be compelled to attend and give evidence or produce documents in proceedings before the said Board of Arbitration or War Compensation Court in like manner as in proceedings before an arbitrator, and the Board or War Compensation Court shall have power to require any person appearing before them to give evidence on oath and

to authorise any person to administer an oath for that purpose and the Board or Court shall have power to award and assess such sums by way of costs as they in their discretion may think just

(7) The War Compensation Court may sit in more than one division at the same time and in any such case anything which may be done to hear before the Court may be done to be heard before any such division of the Court

**3** Nothing in the foregoing provisions of this Act shall—

- (a) affect or apply to proceedings in any prize court as respects any matter within the jurisdiction of the court or
- (b) affect the application of the Defence of the Realm (Acquisition of Land) Act 1916 or the Acquisition of Land (Assessment of Compensation) Act 1919 or the Corn Production (Amendment) Act 1918 in any case where apart from this Act any of those Acts would apply
- (c) affect the application of section sixteen of the Regulation of the Forces Act 1971 or of section eight of the Ministry of Transport Act 1910

**4** Any proclamation or Order in Council issued or purporting to be issued under section forty three of the Customs Consolidation Act 1876 during the war and before the fifteenth day of April nineteen hundred and twenty prohibiting or restricting the importation of any goods into the United Kingdom and any licence granted in pursuance of any such proclamation or order shall be and shall be deemed always to have been valid but nothing in this section shall be construed as rendering valid the continuance in operation after the fifteenth day of April nineteen hundred and twenty of any such proclamation or Order in Council

**5** Any sentence passed judgment given or order made by any military court (other than a court martial constituted in pursuance of any statute) in connection with the war or by any court established by the authority administering any territory in the occupation of any of His Majesty's Forces during the war for the administration of justice within such territory whether passed given or made during such occupation or after such occupation has determined until the court has been abolished or superseded by such lawfully constituted authority as may hereafter be established for the administration of such territory shall be deemed to be and always to have been valid and to be and always to have been within the jurisdiction of the court

I recollect that any petition from a person upon whom a sentence has been passed by any such military court shall be submitted to the Judge Advocate-General for his opinion and report in like manner and in the like cases as if the sentence were a sentence passed by a court martial under the Army Act

6. All laws, ordinances, proclamations and other legislative acts made, issued, or done by the authority for the time being administering any territory in the military occupation of any of His Majesty's forces during the war for the peace, order, or good government of such territory shall be deemed to be and always to have been valid and of full effect, both during such occupation and after the determination thereof until repealed or superseded by such lawfully constituted legislative authority as may hereafter be established for that territory, notwithstanding that any such legislative act may have repealed or been inconsistent with the law previously in force in such territory

7. (7) This Act may be cited as the Indemnity Act, 1920

(2) His Majesty in Council may, by order, apply this Act to any part of His Majesty's dominions outside the United Kingdom, except the self governing dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island), the Dominion of New Zealand, the Union of South Africa and Newfoundland

Short title  
extent, and  
interpretation

Any such Order in Council applying this Act to any part of His Majesty's dominions may apply it subject to such modifications and exceptions as may appear to His Majesty necessary for adapting this Act to the circumstances of that part, and in particular any such Order in Council made in respect of India may validate any laws made for the purposes of the war by the Indian Legislature or the Governor General, and nothing done under any laws so validated or any rule made thereunder shall be invalid by reason only of the provisions of sub-section (2) of section thirty-two of the Government of India Act, 1915

& 6 Geo 5,  
61

(3) In this Act, "the war" means the war declared against Germany, Austria-Hungary, Turkey, and Bulgaria on the fourth day of August, the twelfth day of August, and fifth day of November, nineteen hundred and fourteen, and the fifteenth day of October, nineteen hundred and fifteen, respectively

## SCHEDULE

Section 2

### PART I

#### PRINCIPLES ON WHICH THE BOARD OF ARBITRATION HAS HITHERTO ACTED

The payment or compensation to be awarded for the use of a ship, or vessel, or cargo space, or passenger accommodation therein, and for services rendered shall be based on the rates and conditions contained in the Blue Book reports, or in cases of a class where those rates and con-

ditions have not been applied on some other liberal estimate of the profits which the owner could have made if there had been no war and shall be assessed without taking into account any increase of market values of tonnage or of rates of hire due to the war together with in cases where damage to or loss of the ship or vessel directly due to such use has occurred a sum by way of compensation in respect of such loss or damage so however that nothing shall be awarded for any other damage or loss incidentally caused to the owner or to other persons.

For the purposes of this Part of this Schedule the expression "Blue Book reports" means the reports as to rates and conditions published in October nineteen hundred and fourteen by the sub-committee of the Board of Arbitration subject to such increases or modifications thereof as may have been agreed to before the first day of January nineteen hundred and twenty.

## PART II

### PRINCIPLES ON WHICH THE DEFENCE OF THE REALM LOSSES COMMISSION HAS HITHerto ACTED

The compensation to be awarded shall be assessed by taking into account only the direct loss and damage suffered by the claimant by reason of direct and particular interference with his property or business and nothing shall be included in respect of any loss or damage due to or arising through the enforcement of any order or regulation of general or local application or in respect of any loss or damage due simply and solely to the existence of a state of war or to the general conditions prevailing in the locality or to action taken upon grounds arising out of the conduct of the claimant himself rendering it necessary for public security that his legal rights should be infringed or in respect of loss of mere pleasure or amenity.

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### THE ARMY AND AIR FORCES (ANNUAL) ACT 1921

(11 Geo 5, c 9)

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### ARRANGEMENT OF SECTIONS

#### BILLETING

- 1 Short title
- 2 Army Act and Air Force Act to be in force for specified times
- 3 Prices in respect of billeting

AMENDMENTS OF ARMY AND AIR FORCE ACTS.

*Part I.—Amendments of Army Act*

SECTION.

1 Amendment of s. 180.

*Part II.—Amendments of Army Act applicable also to the Air Forces Act.*

2 Amendment of s. 18  
3 Amendment of ss. 19 and 46.  
4 Amendment of s. 46.  
5 Amendment of s. 46A  
6 Amendments of s. 45.  
7 Amendment of Schedule II  
8 Application to Air Force

SCHEDULE

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*An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force*

[28th April, 1921]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law;

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of three hundred and forty-one thousand, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

8 Geo. 5, And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty thousand eight hundred and eighty, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid, and the provisions of the Air Force Act are due to expire at the same dates as the provisions of the Army Act

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore or sent to do duty or be on board transport ships or vessels, merchant ships or vessels or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the Government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb or subjected in time of peace to any kind of punishment within this realm by martial law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm yet nevertheless it being requisite for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Forces Act in their duty that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition or desert His Majesty's service or are guilty of crimes and offences to the prejudice of good order and military or air force discipline be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Army Act and the Air Force Act will expire in the ~~44 & 15 Vict.~~  
~~c. 58.~~ year one thousand nine hundred and twenty-one on the following days —

- (a) in the United Kingdom the Channel Islands and the Isle of Man on the thirtieth day of April and
- (b) elsewhere whether within or without His Majesty's dominions on the thirty-first day of July

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in the present Parliament assembled and by the authority of the same as follows —

1 This Act may be cited as the Army and Air Force (Annual) Act 1921

*Army Act  
and Air Force  
Act to be  
in force for  
one year  
only*

2 (1) The Army Act and the Air Force Act shall be and remain in force during the period hereinafter mentioned and no longer unless otherwise provided by Parliament (that is to say) —

- (a) Within the United Kingdom the Channel Islands and the Isle of Man from the thirtieth day of April one thousand nine hundred and twenty-one to the thirtieth day of April

one thousand nine hundred and twenty-two, both inclusive; and

(b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and twenty-one, to the thirty-first day of July, one thousand nine hundred and twenty-two, both inclusive

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned

3. There shall be paid to the keeper of a victualling house for the prices in accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act

#### AMENDMENTS OF ARMY AND AIR FORCE ACTS.

##### *Part I—Amendments of Army Act*

4. The following paragraph shall be substituted for paragraph (d) of Amendment of s 180 sub-section (2) of section one hundred and eighty of the Army Act —

“(d) An officer belonging to His Majesty's Indian Forces who thinks himself wronged by His Commanding Officer, and on due application made to him does not receive the redress to which he may consider himself entitled, may complain to the Governor-General of India, who shall cause his complaint to be enquired into, and if so desired by the officer, make a report through a Secretary of State to His Majesty in order to receive the directions of His Majesty thereon”

##### *Part II—Amendments of Army Act applicable also to the Air Force Act*

5. In paragraph (4) of section eighteen of the Army Act after the words “regimental institution” there shall be inserted the words “or of s 18 to the Navy, Army, and Air Force Institutes”

6. (1) In section nineteen of the Army Act (which relates to drunkenness) “five pounds” shall be substituted for “one pound” and at the end of the section the following proviso shall be inserted.—

“Provided that, where the offence of drunkenness is committed by a soldier not on active service or on duty, the sentence

imposed shall not exceed detention for a period of six months with or without the addition of the aforesaid fine.'

(2) In paragraph (b) of sub-section (2) of section forty six of the Army Act (which relates to the power of a commanding officer to deal with cases of drunkenness) 'two pounds' shall be substituted for "ten shillings."

*Amendment of s. 46.* 7 Sub-section (5) of section forty six of the Army Act (which relates to the period of detention which may be awarded for absence without leave) shall cease to have effect and shall be omitted

*Amendment of s. 46A.* 8 (1) In sub-section (1) of section forty six A of the Army Act (which relates to the power to deal summarily with charges against officers) after the words "general court martial" there shall be inserted the words "and any officer (not under the rank of major general) appointed for the purpose by the Army Council" and the words 'or by the Army Council' shall be omitted

(2) In sub-section (2) of section forty six A after the word "evidence" where that word occurs for the second time there shall be inserted the words "or if the accused consents thereto in writing after reading a summary or abstract of the evidence"

*Amendments of s. 143.* 9 (1) Section one hundred and forty five of the Army Act (which relates to the liability of a soldier to maintain his wife and children) shall be amended as follows —

(a) in sub-section (2) the words from "where the soldier is a warrant officer (Class I)" to the end of the sub-section inclusive shall be omitted, and the following words shall be inserted instead thereof —

Where the soldier is a warrant officer (Class I or Class II)  
not holding an honorary commission—in respect of a wife or children four shillings and in respect of a bastard child three shillings

Where the soldier is a non-commissioned officer who is not below the rank of sergeant—in respect of a wife or children three shillings and in respect of a bastard child two shillings

In the case of any other soldier—in respect of a wife or children two shillings and in respect of a bastard child one shilling and six pence"

<sup>1</sup> This sub-section has been amended by s. 11 (1) of 13 & 14 Geo 5 c. 3 see p. 44 infra

(b) The following sub-section shall be inserted after sub-section (3).—

“ (4) Where any arrears have accumulated in respect of sums adjudged to be paid by any such order or decree as aforesaid whilst the person against whom the order or decree was made was serving as a soldier of the regular forces, whether or not deductions in respect thereof have been made from his pay under this section, then after he has ceased so to serve an order of committal shall not be made in respect of those arrears unless the court is satisfied that he is able, or has since he ceased so to serve been able, to pay the arrears or any part thereof, and has failed to do so ”

(2) Where an order had, before the coming into operation of this section, been made under section one hundred and forty-five of the Army Act authorising deductions from pay, a further order may be made increasing the amount of the deduction to be made after the coming into operation of this section under the former order up to the limit authorised by this Act

(3) This section shall, notwithstanding anything in section fourteen of the Army (Annual) Act, 1904, come into operation, both in the British Isles and elsewhere, on the passing of this Act

**10.** Part I of the Second Schedule to the Army Act (which relates to Amendment the accommodation to be furnished by the keeper of a victualling house) of Schedule II shall be amended as follows —

In paragraph (a) of section (2), “ five ounces ” shall be substituted for “ six ounces ” ,

In paragraph (b) of section (2), “ twelve ounces ” shall be substituted for “ one pound,” “ six ounces of bread ” shall be substituted for “ eight ounces of bread,” and “ one pint of beer or mineral water of equal value ” shall be omitted,

In paragraph (c) of section (2) “ five ounces ” shall be substituted for “ six ounces ”

**11.** References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and those provisions shall, in their application to the Air Force, have effect subject to any of the general modifications set out in Part I of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and also with the substitution of a reference to “ air force officer of air rank ” for the reference to “ officer (not under the rank of major-general),” and of a reference to “ section twenty-seven of the Army and Air Force (Annual) Act, 1920,” for the reference to “ section fourteen of the Army (Annual) Act, 1904 ”

Section 3.

## SCHEDULE

Accommodation to be provided.	Maximum Price
Lodging and attendance for soldier where meals furnished.	Ten pence per night for the first soldier and eight pence per night for each additional soldier
Breakfast as specified in Part I of the Second Schedule to the Army and Air Force Acts.	Nine pence each.
Dinner as so specified	One shilling.
Supper as so specified	Five pence.
Where no meals furnished, lodgings and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Ten pence per night for the first soldier and eight pence per night for each additional soldier
Stable room and ten pounds of oats, twelve pounds of hay and eight pounds of straw per day for each horse	Two shillings and six pence per day
Stable room without forage	Six pence per day
Lodging and attendance for officer	Three shillings per night.

Note.—An officer shall pay for his food.

## THE TREATY OF PEACE (HUNGARY) ACT 1921

(11 &amp; 12 Geo 5, c 11.)

*In Act to carry into effect a Treaty of Peace between His Majesty and certain other Powers*

[12th May 1921]

WHEREAS at Trianon on the fourth day of June nineteen hundred and twenty a Treaty of Peace with Hungary including a protocol and declaration annexed thereto was signed on behalf of His Majesty;

And whereas copies of the said Treaty have been laid before each House of Parliament and it is expedient that His Majesty should have power to do all such things as may be proper and expedient for giving effect to the said Treaty;

Be it therefore enacted by the King a Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal,

**11 & 12 Geo. 5, c. 11.]** *The Treaty of Peace (Hungary) Act, 1921*

**11 & 12 Geo. 5, c. 16.]** *The Importation of Plumage (Prohibition) Act, 1921*

and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

**1.** (1) His Majesty may make such appointments, establish such offices, make such Orders in Council, and do such things as appear to him to be necessary for carrying out the said Treaty, and for giving effect to any of the provisions of the said Treaty.

(2) Any Order in Council made under this Act may provide for the imposition, by summary process or otherwise, of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act, but may be varied or revoked by a subsequent Order in Council, and shall not be deemed to be a statutory rule within the meaning of 57 Vict., section one of the Rules Publication Act, 1893

Provided that, if an Address is presented to His Majesty by either House of Parliament within the next twenty-one days on which that House has sat after any Order in Council made under this Act has been laid before it praying that the Order or any part thereof may be annulled, His Majesty in Council may annul the Order or such part thereof, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder

(3) Any expenses incurred in carrying out the said Treaty shall be defrayed out of moneys provided by Parliament

**2.** This Act may be cited as the Treaty of Peace (Hungary) Act, Short title 1921

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THE IMPORTATION OF PLUMAGE (PROHIBITION) ACT, 1921

(11 & 12 Geo. 5, c. 16.)

An Act to prohibit the importation of Plumage

[1st July, 1921]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

**1.** (1) Subject to the provisions of this Act, a person shall not import into the United Kingdom the plumage of any bird

Prohibition  
on importa-  
tion of  
plumage

(2) Goods prohibited to be imported by virtue of this Act shall be deemed to be included among the goods enumerated and described in the

table of prohibitions and restrictions inwards contained in section forty two of the Customs Consolidation Act, 1876 and the provisions of that Act and of any Act amending or extending that Act shall apply accordingly.

**Exemptions  
and licences.**

**2 (1)** The plumage of the following birds namely—

- (a) birds for the time being included in the Schedule to this Act,
- (b) birds imported alive,
- (c) birds ordinarily used in United Kingdom as articles of diet,

is excepted from the prohibition on importation imposed by this Act.

(2) The prohibition on importation imposed by this Act shall not apply to any plumage imported as part of the wearing apparel of a passenger if in the opinion of the Commissioners of Customs and Excise, that plumage is *bond fide* intended and is reasonably required for the personal use of the passenger.

(3) Where an application is made to the Board of Trade for the addition to or removal from the Schedule to this Act of the name of any bird, the Board may after taking into consideration the recommendation made in the matter by the advisory committee to be appointed under this Act by order add to the said Schedule or remove therefrom, as the case may be, the name of that bird.

An order made under this provision shall specify the name of the species and of the order, if any, to which the bird mentioned in the Order belongs.

(4) The Board of Trade may grant to one person a licence subject to such conditions and regulations as they may think fit authorising the importation of plumage for any natural history or other museum or for the purpose of scientific research, or for any other special purpose.

(5) Any person importing plumage under a licence granted in pursuance of this section shall on importation deliver to an officer of Customs and Excise a written declaration as to the nature of the plumage and the purpose for which it is imported and any person importing any plumage which is alleged to be excepted from the prohibition on importation imposed by this Act shall, if so required, deliver to an officer of Customs and Excise a written declaration as to the nature of the plumage and the ground on which it is alleged to be so excepted.

(6) Anything authorised or required under this Act to be done to or by the Board of Trade may be done to or by the Permanent Secretary or an Assistant Secretary of the Board or to or by any person authorised in that behalf by the Permanent Secretary of the Board.

**11 & 12 Geo. 5, c. 16.]** *The Importation of Plumage (Prohibition) Act, 1921.* 153

**11 & 12 Geo. 5, c. 18.]** *The Indian Divorces (Validity) Act, 1921.*

**3.** Within four months of the passing of this Act, the Board of Trade shall appoint an advisory committee consisting of—

Appointment  
of advisory  
committee.

- (a) An independent chairman,
- (b) Two experts in ornithology,
- (c) Three experts in the feather trade,
- (d) Four other members.

All applications for addition to or removal from the Schedule to this Act shall be made to the Board of Trade, which shall refer such applications to the advisory committee, which shall, after due inquiry, submit a recommendation to the Board of Trade in regard thereto

**4. (1)** In this Act the expression "plumage" includes the skin or body of a bird with the plumage on it.

Interpre-  
tation, short  
title, and  
commencement

**(2)** This Act may be cited as the Importation of Plumage (Prohibition) Act, 1921.

**(3)** This Act shall come into operation on the expiration of nine months after the passing thereof

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## SCHEDULE

African ostriches

Eider ducks

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Sections 2  
and 3

## THE INDIAN DIVORCES (VALIDITY) ACT, 1921

**(11 & 12 Geo. 5, c. 18.)**

*An Act to make provision with respect to the validity of certain decrees granted in India for the dissolution of the marriage of persons domiciled in the United Kingdom*

[1st July, 1921]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

**1.** Any decree granted under the Act of the Indian Legislature known as the Indian Divorce Act, 1869, and confirmed or made absolute under

Validity of  
decrees

*The Deceased Brother's Widow's Marriage Act, 1921* [11 & 12 Geo 5, c 24.]

the provisions of that Act, for the dissolution of a marriage the parties to which were at the time of the commencement of the proceedings domiciled in the United Kingdom and any order made by the court in relation to any such decree shall if the proceedings were commenced before the passing of this Act be as valid and be deemed always to have been as valid in all respects as though the parties to the marriage had been domiciled in India

Short title

2. This Act may be cited as the Indian Divorces (Validity) Act 1921

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THE DECEASED BROTHER'S WIDOW'S MARRIAGE ACT, 1921

(11 & 12 Geo 5, c 24.)

An Act to amend the Law relating to marriage with a deceased brother's widow

[28th July, 1921]

Be it enacted by the King a most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, as follows —

Marrying with a deceased brother's widow not to be void as a contract except in certain cases.

1. (1) Section one of the Deceased Wife's Sister's Marriage Act 1907, 7 Edw 7 c. 47 shall be read and construed as if after the words "deceased wife's sister," where they occur in such section there were inserted "or between a man and his deceased brother's widow."

(2) Section three of the said Act shall be read and construed as though—

(a) in sub-section (1) thereof after the words "wives' sisters" there were inserted the words "or husbands' brothers wives'" and

(b) in sub-section (2) thereof at the end, there were inserted the words "or the divorced wife of his brother, or the wife of his brother who has divorced his brother during the lifetime of such brother"

(3) Section four of the said Act shall be read and construed as if at the end thereof there were inserted the words "or his deceased brother's widow"

(4) Section five of the said Act shall be read and construed as though at the end thereof there were inserted the words "and the word 'brother' shall include a brother of the half blood"

The said Act as amended by this Act shall, so far as it relates to marriages between a man and his deceased brother's widow, have effect as though it had been passed at the date of the passing of this Act

2. This Act may be cited as the Deceased Brother's Widow's Marriage Short title. Act, 1921, and this Act and the Deceased Wife's Sister's Marriage Act, 1907, may be cited together as the Marriage (Prohibited Degrees of Relationship) Acts, 1907 and 1921

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THE OVERSEAS TRADE (CREDITS AND INSURANCE) AMENDMENT ACT, 1921

(11 & 12 Geo. 5, c. 26.)

*An Act to extend the Overseas Trade (Credits and Insurance) Act, 1920, to the giving of guarantees in connection with export transactions, and otherwise to amend section one of that Act*

[28th July, 1921]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. (1) The power of the Board of Trade under the Overseas Trade Power of (Credits and Insurance) Act, 1920, as otherwise amended by this Act to make arrangements for granting credits to certain persons and companies for the purpose of re-establishing trade between the United Kingdom and certain other countries shall include power to make for that purpose arrangements for giving guarantees, whether directly or indirectly, in connection with any export transactions in connection with which the Board have power to grant credits under that Act as so amended, and accordingly any reference in that Act to the granting of credits and to credits granted shall, unless the context otherwise requires and subject as hereinafter provided, be deemed to include references to the giving of such guarantees as aforesaid and to any such guarantees given

Provided that—

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(b) Sub-section (2) of section one shall not apply

(2) Section four of the Overseas Trade (Credits and Insurance) Act 1920, (which provides for the exercise of the powers of the Board of Trade

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<sup>1</sup> Cl (a) of the proviso was repealed by s 3 of 14 & 15 Geo 5, c 8, *infra*

the provisions of that Act for the dissolution of a marriage the parties to which were at the time of the commencement of the proceedings domiciled in the United Kingdom, and any order made by the court in relation to any such decree shall if the proceedings were commenced before the passing of this Act be as valid and be deemed always to have been as valid in all respects as though the parties to the marriage had been domiciled in India.

Short title

2. This Act may be cited as the Indian Divorces (Validity) Act, 1921

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THE DECEASED BROTHER'S WIDOW'S MARRIAGE ACT, 1921

(11 & 12 Geo 5, c 24.)

An Act to amend the Law relating to marriage with a deceased brother's widow

[28th July 1921]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows —

MARRIAGE WITH A DECEASED BROTHER'S SISTER'S WIDOW 7 Edw 7  
widow not to be a widow of his brother or his deceased brother's widow  
except in certain cases. 1. (1) Section one of the Deceased Wife's Sister's Marriage Act, 1907 c. 67  
shall be read and construed as if after the words "deceased wife's sister" where they occur in such section there were inserted 'or between a man and his deceased brother's widow.'

(2) Section three of the said Act shall be read and construed as though—

(a) in sub-section (1) thereof after the words 'wives' sisters' there were inserted the words "or husbands' brothers' wives" and

(b) in sub-section (2) thereof at the end there were inserted the words "or the divorced wife of his brother or the wife of his brother who has divorced his brother, during the lifetime of such brother"

(3) Section four of the said Act shall be read and construed as if at the end thereof there were inserted the words 'or his deceased brother's widow'

(4) Section five of the said Act shall be read and construed as though at the end thereof there were inserted the words "and the word 'brother' shall include a brother of the half blood"

11 & 12 Geo. 5, c. 26.] *The Overseas Trade (Credits and Insurance) Amendment Act, 1921.*

The said Act as amended by this Act shall, so far as it relates to marriages between a man and his deceased brother's widow, have effect as though it had been passed at the date of the passing of this Act

2. This Act may be cited as the Deceased Brother's Widow's Marriage Short title. Act, 1921, and this Act and the Deceased Wife's Sister's Marriage Act, 1907, may be cited together as the Marriage (Prohibited Degrees of Relationship) Acts, 1907 and 1921

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THE OVERSEAS TRADE (CREDITS AND INSURANCE) AMENDMENT ACT, 1921

(11 & 12 Geo. 5, c. 26.)

*An Act to extend the Overseas Trade (Credits and Insurance) Act, 1920, to the giving of guarantees in connection with export transactions, and otherwise to amend section one of that Act*

[28th July, 1921]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1 c 29 1. (1) The power of the Board of Trade under the Overseas Trade Power of  
(Credits and Insurance) Act, 1920, as otherwise amended by this Act to Board of  
make arrangements for granting credits to certain persons and companies Trade to  
for the purpose of re-establishing trade between the United Kingdom and guarantee  
certain other countries shall include power to make for that purpose export trans-  
arrangements for giving guarantees, whether directly or indirectly, in actions  
connection with any export transactions in connection with which the Board have power to grant credits under that Act as so amended, and accordingly any reference in that Act to the granting of credits and to credits granted shall, unless the context otherwise requires and subject as hereinafter provided, be deemed to include references to the giving of such guarantees as aforesaid and to any such guarantees given:

Provided that—

\* \* \* \* \*

(b) Sub-section (2) of section one shall not apply

(2) Section four of the Overseas Trade (Credits and Insurance) Act 1920, (which provides for the exercise of the powers of the Board of Trade

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<sup>1</sup> Cl (a) of the proviso was repealed by s. 3 of 14 & 15 Geo. 5, c. 2, 1920.

*The Merchant Shipping Act 1921 [11 & 12 Geo 5, c 28]*

under that Act) shall apply to things authorised under this Act as it applies to things authorised under that Act

[*2 Amendment of section 1 of 10 & 11 Geo 5 c 29 Rep 11 and 12 Geo 5, c 65 s 3 and Sch ]*

*Short title.* 3 This Act may be cited as the Overseas Trade (Credits and Insurance) Amendment Act 1921

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**THE MERCHANT SHIPPING ACT, 1921**

(11 & 12 Geo 5, c 28)

*An Act to amend the Merchant Shipping Acts 1894 to 1920*

[*28th July 1921*]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

*Application of parts I and VIII of the Merchant Shipping Act 1894 to lighter vessels* <sup>c. 60.</sup>  
1. (1) Notwithstanding anything in section seven hundred and forty two of the Merchant Shipping Act, 1894<sup>1</sup> (hereinafter referred to as 'the principal Act'), the principal Act shall have effect as though in the provisions of Parts I and VIII thereof (which relate respectively to the registry of ships and to the limitation of the liability of the owners of ships) as amended or extended by any subsequent enactment the expression 'ship' included every description of lighter, barge, or like vessel used in navigation in Great Britain however propelled

Provided that a lighter, barge or like vessel used exclusively in non tidal waters, other than harbours, shall not, for the purposes of this Act be deemed to be used in navigation

(2) In the application of Part VIII of the principal Act to any such lighter, barge or like vessel as aforesaid the expression 'owner' shall include any hirer who has contracted to take over the sole charge and management thereof and is responsible for the navigation, manning and equipment thereof

(3) Where the Board of Trade are satisfied that there are in force in any port under any Act or Order, regulations for the measurement or

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<sup>1</sup>See Vol. II of this publication

. registration of lighters, barges, or like vessels, which provide for the measurement of their tonnage in substantial agreement with the provisions of the Merchant Shipping Acts, 1894 to 1920, and for an adequate system of identification of the vessels and their owners, the Board may by order declare that vessels measured or registered in accordance with such regulations shall, for the purposes of this Act, be deemed to be measured or registered under Part I of the principal Act

**2. (1)** If any person uses or causes or permits to be used in navigation any lighter, barge or like vessel when, through the defective conditions of its hull or equipment or by reason of overloading or improper loading or through undermanning, it is so unsafe that human life is likely to be thereby endangered, he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months

Use of  
unsafe  
lighters, &c.

**(2)** A prosecution under this section shall not, except in Scotland, be instituted otherwise than by, or with the consent of, the Board of Trade.

**3.** This Act shall not affect the liability of the owners of any lighter, barge, or like vessel in respect of loss of life or personal injury caused to workmen any person carried therein.

**4. (1)** This Act may be cited as the Merchant Shipping Act, 1921, Short title, and shall be construed as one with the Merchant Shipping Acts, 1894 to construction and commencement 1920, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1921

**(2)** This Act shall come into operation on the first day of January, one thousand nine hundred and twenty-two

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- THE TERRITORIAL ARMY AND MILITIA ACT, 1921

(**11 & 12 Geo. 5, c. 37.**)

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ARRANGEMENT OF SECTIONS

SECTION

- 1 New designation for the territorial force
2. New designation for the special reserve.
- 3 Amendments of the Army Act
4. Abolition of existing militia and yeomanry.
- 5 Short title and commencement

SCHEDULES.

*An Act to provide for the application of new designations to the territorial force and the special reserve and to repeal enactments relating to the militia and yeomanry and for purposes in connection therewith*

[17th August, 1921]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled and by the authority of the same as follows —

**New designation for the territorial force**  
1 The territorial force which His Majesty is empowered to raise and maintain under Part II of the Territorial and Reserve Forces Act 1907, 7 Edw 7 shall be called the territorial army and accordingly that Act and any other enactment Royal warrant proclamation order regulation or document applying to the territorial force shall have effect as though references therein to the territorial army were substituted for references to the territorial force

**New designation for the special reserve.**  
2 That portion of the army reserve which has hitherto been known as the special reserve shall be called the militia and accordingly sections thirty to thirty three of the Territorial and Reserve Forces Act 1907 and any other enactment Royal warrant proclamation order regulation or document applying to the special reserve shall have effect as though references therein to the militia were substituted for references therein to the special reserve and as though references therein to a militiaman and to militiamen were substituted for references therein to a special reservist and to special reservists

**Amendments of the Army Act.**  
3 The sections of the Army Act specified in the First Schedule to this Act shall be amended in the manner shown in the second column of that schedule

**Abolition of existing militia and yeomanry**  
4. (1) The power to raise and maintain a militia force or a yeomanry force under any of the enactments set out in the Second Schedule to this Act shall cease and those enactments shall be repealed to the extent specified in the third column of that schedule

Provided that notwithstanding anything in this section any enactment repealed by this Act which relates to militia storehouses shall continue to apply in relation to militia storehouses provided before the commencement of this Act as though this Act had not been passed

(2) In this section the expression "militia storehouses" means any buildings or premises provided for the purpose of keeping therein the arms, accoutrement, clothing, and other stores belonging to any regiment battalion or corps of militia when not embodied

**Section 5**  
5 (1) This Act may be cited as the Territorial Army and Militia Act 1921

(2) This Act shall come into operation on the first day of October nineteen hundred and twenty-one

## SCHEDULES.

### FIRST SCHEDULE.

#### AMENDMENTS OF THE ARMY ACT.

Section.	How to be amended.
13 (1) (a) . . . . .	For "the militia or territorial force when embodied or the yeomanry when called out for actual military service" there shall be substituted "the territorial army when embodied."
(b) . . . . .	For "the militia or territorial force" there shall be substituted "the territorial army"
92 (8) . . . . .	For "special reservist" there shall be substituted "militiaman"
108 A (1) . . . . .	For "territorial force" there shall be substituted "territorial army."
115 (7) and (8) . . . . .	The words "or an order for the embodiment of the militia" shall be omitted from both subsections
175 (3) . . . . .	The subsection shall be omitted
(3A) . . . . .	For "territorial force," wherever those words occur there shall be substituted "territorial army"
(5) . . . . .	The words "officers of the yeomanry and" shall be omitted
(6) . . . . .	The words "yeomanry or" shall be omitted
(10) . . . . .	For "special reserve" there shall be substituted "militia"
176 (5) . . . . .	The words "or the militia reserve force" shall be omitted
(6) . . . . .	The subsection shall be omitted
(6A) . . . . .	For "territorial force" there shall be substituted "territorial army"
(7) . . . . .	The subsection shall be omitted
(8) . . . . .	The words "or with any portion of the militia when subject to military law" shall be omitted

Reign and Chapter.	Title or Short Title.	Extent of Repeal.
44 Geo. 3 c. 54	The Yeomanry Act, 1804	The whole Act.
44 Geo. 3 c. 94	The Yeomanry Accounts Act, 1804	The whole Act.
49 Geo. 3 c. 120	The Militia (Ireland) Act, 1809	The whole Act except so much of section seventy four as prescribes the appointment of clerks to general meetings.
52 Geo. 3 c. 38	The Local Militia (England) Act, 1812	The whole Act.
52 Geo. 3 c. 68	The Local Militia (Scotland) Act 1812	The whole Act.
52 Geo. 3 c. 105	The Militia Returns Act, 1812	The whole Act.
52 Geo. 3 c. 110	The Local Militia (Exemption) Act 1812	The whole Act.
52 Geo. 3 c. 155	The Places of Religious Worship Act, 1812	Section nine.
53 Geo. 3 c. 78	The Local Militia (England) Act 1813	The whole Act.
53 Geo. 3 c. 29	The Local Militia (Scotland) Act, 1813	The whole Act.
53 Geo. 3 c. 48	The Local Militia (Ireland) Act, 1813	Section two.
53 Geo. 3 c. 83	The Militia (Medical Examination) Act, 1815.	Section eight.
56 Geo. 3 c. 30	The Yeomanry (Training) Act 1816	The whole Act.
57 Geo. 3 c. 44	The Yeomanry Act, 1817	The whole Act.
1 Geo. 4 c. 100	The Militia (City of London) Act 1820.	The whole Act, except sections thirty four to forty forty five and forty-eight.
7 Geo. 4 c. 68	The Yeomanry Act 1828	The whole Act.
2 & 3 Vict. c. 93	The County Police Act 1839	In section ten, the words "or in the militia."
3 & 4 Vict. c. 64	The Metropolitan Police Courts Act, 1840.	Section ten.

**11 & 12 Geo. 5, c. 37.] The Territorial Army and Militia Act, 1921.** 463

Reign and Chapter	Title or Short Title	Extent of Repeal
5 & 6 Vict c 55	The Railway Regulation Act, 1842	In section twenty, the word "militia"
7 & 8 Vict c 85	The Railway Regulation Act, 1844	In section twelve, the words "militia or" in both places where those words occur
15 & 16 Vict c 50	The Militia Act, 1852 .	The whole Act
16 & 17 Vict c 73	The Naval Volunteers Act, 1853	In section eight, the words "from service in the militia and"
17 & 18 Vict c 105	The Militia Law (Amendment) Act, 1854	The whole Act
17 & 18 Vict c 106	The Militia (Scotland) Act, 1854	The whole Act
17 & 18 Vict c 107	The Militia (Ireland) Act, 1854	The whole Act
18 & 19 Vict c 57	The Militia Act, 1855	The whole Act
20 & 21 Vict c 11	The Militia (Ireland) Act, 1857	The whole Act
21 & 22 Vict c 90	The Medical Act, 1858 .	In section thirty-five, the words "and from serving in the militia" and "in the militia, or"
22 & 23 Vict c 40	The Royal Naval Reserve (Volunteer) Act, 1859	In section seven, the words "from service in the militia and"
23 & 24 Vict c 94	The Militia (Storehouses) Act, 1860	The whole Act
23 & 24 Vict c 120	The Militia (Ballot) Act, 1860	The whole Act
25 & 26 Vict c 4	The Officers Commissions Act, 1862	In section one, the words "Militia and"
26 & 27 Vict c 65	The Volunteer Act, 1863	In section five, the words "and Militia" and "and shall rank with officers of the Yeomanry Force according to the rank and date of their respective commissions in the respective forces", in section eight, the words "enrolls himself as a volunteer or substitute in the militia, or is attested to serve on the permanent staff thereof or", section forty-one, and part (iv) of the Schedule
28 & 29 Vict c 46	The Militia (Ballot Suspension) Act, 1865	The whole Act

Reign and Chapter	Title or Short Title.	Extent of Repeal.
44 Geo. 3 c. 54	The Yeomanry Act, 1804	The whole Act.
44 Geo. 3 c. 94	The Yeomanry Accounts Act 1804	The whole Act
49 Geo. 3 c. 120	The Militia (Ireland) Act 1803	The whole Act, except so much of section seventy-four as prescribes the appointment of clerks to general meetings.
52 Geo. 3 c. 38	The Local Militia (England) Act 1812	The whole Act.
52 Geo. 3 c. 68	The Local Militia (Scotland) Act, 1812	The whole Act.
52 Geo. 3 c. 103	The Militia Returns Act, 1812	The whole Act.
52 Geo. 3 c. 116	The Local Militia (Exemption) Act, 1812	The whole Act.
52 Geo. 3 c. 163	The Places of Religious Worship Act 1812	Section nine.
53 Geo. 3 c. 48	The Local Militia (England) Act 1813	The whole Act.
53 Geo. 3 c. 20	The Local Militia (Scotland) Act 1813	The whole Act.
53 Geo. 3 c. 49	The Local Militia (Ireland) Act 1813	Section two.
53 Geo. 3 c. 65	The Militia (Medical Examination) Act, 1815	Section eight.
56 Geo. 3 c. 30	The Yeomanry (Training) Act 1810	The whole Act.
57 Geo. 3 c. 44	The Yeomanry Act 1817	The whole Act.
1 Geo. 4 c. 100	The Militia (City of London) Act 1821	The whole Act, except sections thirty-four to forty forty-five and forty-eight.
7 Geo. 4 c. 53	The Yeomanry Act, 1828	The whole Act.
2 & 3 Vict. c. 93	The County Police Act 1830	In section ten, the words "or in the militia."
3 & 4 Vict. c. 54	The Metropolitan Police Courts Act, 1840	Section ten.

**11 & 12 Geo. 5, c. 37.] The Territorial Army and Militia Act, 1921.** 463

Reign and Chapter	Title or Short Title	Extent of Repeal
5 & 6 Vict. c. 55	The Railway Regulation Act, 1842	In section twenty, the word "militia"
7 & 8 Vict. c. 83	The Railway Regulation Act, 1844	In section twelve, the words "militia or" in both places where those words occur
15 & 16 Vict. c. 50	The Militia Act, 1852	The whole Act
16 & 17 Vict. c. 73	The Naval Volunteers Act, 1853	In section eight, the words "from service in the militia and"
17 & 18 Vict. c. 105	The Militia Law (Amendment) Act, 1854 V. 1854	The whole Act
17 & 18 Vict. c. 106	The Militia (Service) Act, 1854	The whole Act
17 & 18 Vict. c. 107	The Militia (Furnishing) Act, 1854	The whole Act
18 & 19 Vict. c. 57	The Militia Act, 1855	The whole Act
20 & 21 Vict. c. 11	The Militia (Recruits) Act, 1857	The whole Act
21 & 22 Vict. c. 90	The Militia Act, 1857	In section thirteen, the words "and from among the militia" and "in the militia"
22 & 23 Vict. c. 10	The Royal Naval Recruits (Recruit) Act, 1858	In section three, the words "and from among the militia" and "in the militia"
23 & 24 Vict. c. 94	The Militia (Recruits) Act, 1860	The whole Act
23 & 24 Vict. c. 126	The Militia (Recruits) Act, 1860 & 1861	The whole Act
25 & 26 Vict. c. 4	The Officers' Cadets Act, 1862	The whole Act
26 & 27 Vict. c. 65	The Volunteer Act, 1863	The whole Act
28 & 29 Vict. c. 46	The Militia (Ballot) Act, 1864	The whole Act

Reign and Chapter.	Title or Short Title.	Extent of Repeal.
32 & 33 Vict. c. 80	The Militia (Ireland) Act, 1869	The whole Act.
33 & 34 Vict. c. 67	The Reserve Forces Act, 1870	Section twenty
33 & 34 Vict. c. 77	The Jurors Act, 1870	In the Schedule, the words "militia and yeomanry"
33 & 34 Vict. c. 96	The Appropriation Act, 1870	In section six the words "militia, yeomanry"
34 & 35 Vict. c. 86	The Regulation of the Forces Act, 1871	In section six, the words militia, yeomanry and "wherever those words occur and the words militia, yeomanry or; in section nineteen, the words "the Constable of the Tower and the words "in relation to the General or Local Militia."
33 & 30 Vict. c. 2.	The Public Stores Act, 1875	In section eight, the words "militia or" and in section thirteen, the word "militiaman."
30 & 31 Vict. c. 36	The Customs Consolidation Act, 1876	In section nine the words in the militia or"
41 & 42 Vict. c. 33	The Dentists Act, 1878	In section thirty the words "and from serving in the militia" and "in the militia or"
15 & 16 Vict. c. 18	The Reserve Forces Act, 188-	Sections eight to ten; in section eleven, in subsection (1) the words "and the militia reserve respectively" the words "in the case of a man belonging to the army reserve" and the words "and in the case of a man belonging to the militia reserve fifty-six days, and subsection (3); in section twelve the words "and the militia reserve or either of them in subsection (1) and the words "forces or" in subsection (2); in section thirteen, the words "and militia reserve or either of them"; in section fourteen, the words "either of in subsection (1) in section fifteen, the words "or militia" in both places where those words occur; in section sixteen, the words "or militia" in both

Reign and Chapter	Title or Short Title	Extent of Repeal
45 & 46 Vict. c 49	The Militia Act, 1882	<p>places where those words occur ; in section seventeen, the words "or militia" wherever those words occur, in section eighteen, the words "or militia," the words "or militia reserve as the case may be," and the words "and (b) in section one hundred, so far as relates to the militia reserve, of 'one whole period of annual training' for 'three months'" in sub-section (1), and the words "or by a militia officer" and the words "or militia" in sub section (2), in section nineteen, the words "or militia reserve" in both places where those words occur, in section twenty, the words "and the militia reserve or either of them" in both places where those words occur in sub-section (1) and the words "or militia" in sub-section (3), in section twenty three, the words "or militia" and "and militia", in section twenty-four, the words "or militia" wherever those words occur, in section twenty-seven the words "or militia", in section twenty-eight, the words "and 'militia reserve force'", the word "respectively," and the words "and militia reserve" in section twenty-nine, the words "or to the militia reserve force" wherever those words occur, and the words "or to the militia reserve" in sub-section (3), and the words "either" and "or the militia reserve force" in sub-section (4)</p> <p>Sections three to twenty-eight, thirty-seven to forty-seven, sub sections (1) to (4) of section forty-nine, so much of sub-section (5) of section forty-nine as relates to the raising of a corps of miners, section fifty-one, and the Third Schedule</p>

Reign and Chapter	Title or Short Title.	Extent of Repeal
47 & 48 Vict. c. 55	The Pensions and Yeomanry Pay Act, 1884	The whole Act, so far as it applies to the yeomanry
51 & 52 Vict. c. 31	The National Defence Act, 1888	Section two.
51 & 52 Vict. c. 41	The Local Government Act 1888	In sub-section (1) of section fifty nine the word "militia" in both places where that word occurs.
53 & 54 Vict. c. 21	The Inland Revenue Regulation Act, 1890.	In section eight, the words "or" in the militia.
55 & 56 Vict. c. 43	The Military Lands Act 1893	Section nineteen.
59 & 60 Vict. c. 23	The Friendly Societies Act 1896	In sub-section (1) of section forty-three, the words "in the militia or" and the words "yeomanry or."
61 & 62 Vict. c. 9	The Reserve Forces and Militia Act, 1898	Section two.
63 & 64 Vict. c. 42	The Reserve Forces Act, 1900	Section two.
1 Edw 7 c. 14	The Militia and Yeomanry Act 1901	The whole Act.
3 Edw 7 c. 39	The Militia and Yeomanry Act, 1902	The whole Act.
7 Edw 7 c. 9	The Territorial and Reserve Forces Act, 1907	Section thirty four
8 Edw 7 c. 48	The Post Office Act, 1908	In section forty three the words "or in the militia."

**THE TRADE FACILITIES ACT 1921**

(11 &amp; 12 Geo 5, c 65)

An Act to Authorise the Treasury to guarantee the payment of loans to be applied towards the carrying out of capital undertakings or in the purchase of articles manufactured in the United Kingdom required for the purposes of any such undertakings, and to amend the Overseas Trade (Credits and Insurance) Act 1920 and the Overseas Trade (Credits and Insurance) Amendment Act 1921

[10th November 1921]

Be it enacted by the King, most Excellent Majesty, by and with the advice and consent of the Lord Spiritual and Temporal and Common-

in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) If the Treasury, after consultation with an advisory committee nominated by the Treasury for the purposes of this section, are satisfied that the proceeds of any loan proposed to be raised, whether within or without the United Kingdom, by any government, any public authority, or any corporation or other body of persons, are to be applied towards or in connection with the carrying out of any capital undertaking, or in, or in connection with, the purchase of articles other than munitions of war, manufactured or produced in the United Kingdom required for the purposes of any such undertaking, and that the application of the loan in the manner proposed is calculated to promote employment in the United Kingdom, the Treasury may, subject to the provisions of this section, guarantee in such manner and form and on such terms and conditions as they think proper the payment of the interest and principal of the loan or of either interest or principal

Provided that the aggregate capital amount of the loans the principal or interest of which is guaranteed under this section shall not exceed the sum of twenty-five million pounds<sup>1</sup>

(2) No guarantee shall be given by the Treasury under this section after the expiration of twelve months<sup>2</sup> from the commencement of this Act

(3) Such sums as may from time to time be required by the Treasury for fulfilling any guarantees given under this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof

(4) All sums paid from time to time in or towards the repayment of any sum issued out of the Consolidated Fund under this section shall be paid into the Exchequer

(5) The Treasury shall, as soon as may be after the expiration of each quarter of the year during which guarantees may be given under this section, lay before both Houses of Parliament a statement of the guarantees given under this section during that quarter, together with particulars of the purposes to which the loans guaranteed were to be applied, and shall, so long as any such guarantees are in force, lay before both Houses of Parliament in every year within one month after the thirty-first day of March an account up to that date of the total sums, if any, which have been either issued out of the Consolidated Fund under this section or paid in or towards repayment of any money so issued

(6) In this section the expression "capital undertaking" means an undertaking involving capital expenditure.

<sup>1</sup> The limit has been raised to seventy million pounds by s 1 of 15 Geo 5, c 13.  
*infra*

<sup>2</sup> The period has been extended to 31st March, 1926, by *ibid*

Amendment  
11 & 12  
Geo. 5, c. 29  
and 11 &  
12 Geo. 5  
c. 28.

2. (1) The provisions of the Overseas Trade (Credits and Insurance) Act 1920 (in this section referred to as "the principal Act") as amended by the Overseas Trade (Credits and Insurance) Amendment Act 1921 (in this section referred to as "the amending Act") shall be extended so as to authorise the granting of credits and the giving of guarantees in respect of export transactions other than the sale of munitions of war between the United Kingdom and any other country whatsoever

(2) In sub-section (2) of section two of the principal Act (which makes provision with respect to the period within which credits granted under that Act are to be liquidated), for the words "some date not later than six years from the said eighth day of September, nineteen hundred and nineteen" there shall be substituted the words "some date not later than eight years from the said eighth day of September nineteen hundred and nineteen" and \* \* \* \* the power of the Board of Trade to renew a guarantee may be exercised at any time" \* \* \*

(3) This section shall be construed as one with the principal Act and the amending Act and those Acts and this section may be cited together as the Overseas Trade Acts 1920 and 1921

*Short title  
and repeal*

3 (1) This Act may be cited as the Trade Facilities Act 1921

(2) The enactments set out in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule

**SCHEDULE**  
**ENACTMENTS REPEALED**

Section 3.

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5, c. 29	The Overseas Trade (Credits and Insurance) Act 1920.	In section one the words "being one of the countries specified in the Schedule to this Act" and the words "specified in the Schedule to this Act"; in section one sub-section (b) (ii), the words "to an alien, or to a firm in which the majority of the partners are aliens, or to a company where British subjects do not form a majority of the directors, or where a majority of the voting power is not in the hands of British subjects"; section three; Schedule
11 & 12 Geo. 5, c. 24	The Overseas Trade (Credits and Insurance) Amendment Act, 1921	Section two.

Certain words were repealed see 11 & 12 Geo. 5 c. 41/2.

## THE ARMY AND AIR FORCE (ANNUAL) ACT, 1922

(12 Geo. 5, c. 6.)

## ARRANGEMENT OF SECTIONS

## SECTION

1. Short title
- 2 Army Act and Air Force Act to be in force for specified times.
- 3 Prices in respect of billeting

## AMENDMENTS OF ARMY AND AIR FORCE ACTS.

*Part I — Amendments of Army Act*

4. Amendment of s 44
- 5 Amendment of s 46A
- 6 Amendment of s 76

*Part II — Amendment of Air Force Act*

7. Amendment of s 76

*Part III — Amendments of Army Act Applicable also to the Air Force Act*

- 8 Amendment of s 87
- 9 Amendment of s 190
- 10 Application to Air Force

## SCHEDULE

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*An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force.*

[12th April, 1922]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of

Amendment  
of 10 & 11  
Geo. 5, c. 29  
and 11 &  
12 Geo. 5  
c. 6.

2 (1) The provisions of the Overseas Trade (Credits and Insurance) Act, 1920 (in this section referred to as "the principal Act") as amended by the Overseas Trade (Credits and Insurance) Amendment Act 1921 (in this section referred to as "the amending Act") shall be extended so as to authorise the granting of credits and the giving of guarantees in respect of export transactions other than the sale of munitions of war between the United Kingdom and any other country whatsoever

(2) In sub-section (2) of section two of the principal Act (which makes provision with respect to the period within which credits granted under that Act are to be liquidated) for the words "some date not later than six years from the said eighth day of September, nineteen hundred and nineteen" there shall be substituted the words "some date not later than eight years from the said eighth day of September nineteen hundred and nineteen and \* \* \* \* the power of the Board of Trade to renew a guarantee may be exercised at any time" \* \* \*

(3) This section shall be construed as one with the principal Act and the amending Act and those Acts and this section may be cited together as the Overseas Trade Acts 1920 and 1921

**Short title  
and repeal.**

3 (1) This Act may be cited as the Trade Facilities Act 1921

(2) The enactments set out in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule

**SCHEDULE**  
**ENACTMENTS REPEALED**

Section 1

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5, c. 29	The Overseas Trade (Credits and Insurance) Act 1920.	In section one the words "being one of the countries specified in the Schedule to this Act" and the words "specified in the Schedule to this Act"; in section one sub-section (b) (1) the words "to an alien, or to a firm in which the majority of the partners are aliens, or to a company where British subjects do not form a majority of the directors, or where a majority of the voting power is not in the hands of British subjects"; section three; Schedule
11 & 12 Geo. 5, c. 64	The Overseas Trade (Credits and Insurance) Amendment Act, 1921	Section two.

## THE ARMY AND AIR FORCE (ANNUAL) ACT, 1922.

(12 Geo. 5, c. 6.)

## ARRANGEMENT OF SECTIONS

## SECTION

1. Short title
- 2 Army Act and Air Force Act to be in force for specified times.
3. Prices in respect of billeting

## AMENDMENTS OF ARMY AND AIR FORCE ACTS

*Part I —Amendments of Army Act.*

4. Amendment of s 44.
5. Amendment of s 46A
6. Amendment of s 76

*Part II —Amendment of Air Force Act*

7. Amendment of s. 76

*Part III —Amendments of Army Act Applicable also to the Air Force Act*

8. Amendment of s 87
9. Amendment of s 190.
- 10 Application to Air Force

## SCHEDULE

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*An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force.*

[12th April, 1922]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of

two hundred and fifteen thousand, including those to be employed at the depots in the United Kingdom for the training of recruits for service at home and abroad but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-one thousand one hundred and seventy six, including those employed as aforesaid but exclusive of the numbers serving as aforesaid and the provisions of the Air Force Act are due to expire at the same dates as the provisions of the Army Act

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore or sent to do duty or be on board transport ships or vessels, merchant ships or vessels or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be condemned of life or limb, or subjected in time of peace to any kind of punishment within this realm by mortal law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm yet nevertheless it being requisite for the retaining all the before-mentioned forces and other persons subject to military law or to the Air Force Act in their duty that an exact discipline be observed and that persons belonging to the said force who mutiny or stir up sedition or desert His Majesty's service or are guilty of crimes and offences to the prejudice of good order and military or air force discipline be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty two on the following days —

(a) in the United Kingdom the Channel Islands, and the Isle of Man on the thirtieth day of April and

(b) elsewhere whether within or without His Majesty's dominions, on the thirty first day of July

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows.—

1. This Act may be cited as the Army and Air Force (Annual) Act, Short title 1922

2. (1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say) —

- (a) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and twenty-two, to the thirtieth day of April, one thousand nine hundred and twenty-three, both inclusive, and
- (b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and twenty-two, to the thirty-first day of July, one thousand nine hundred and twenty-three, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act.

#### AMENDMENTS OF ARMY AND AIR FORCE ACTS.

##### *Part I—Amendments of Army Act*

4. In section forty-four of the Army Act (which relates to the scale of punishment by courts-martial) —

- (1) At the end of paragraph (f) there shall be inserted the following words—

“or, in the case of an officer whose promotion depends upon length of service forfeiture of all or any part of his service for the purposes of promotion”

(2) The following proviso shall be inserted after proviso (2) —

“(2a) The Army Council may restore the whole or any part of any lost seniority or forfeited service in the case of an officer who may perform good or faithful service or who may otherwise be deemed by the Army Council to merit such restoration”

<sup>Amendment  
of s. 40A.</sup> 5 In sub-section (2) of section forty six A of the Army Act (which relates to the power to deal summarily with charges against officers, and shall hereafter be numbered 47) for paragraph (a) the following shall be substituted —

‘(a) Forfeiture of seniority of rank either in the army or in the corps to which the offender belongs or in both or in the case of an officer whose promotion depends upon length of service forfeiture of all or any part of his service for the purposes of promotion’

6 The following paragraph shall be inserted at the end of section seventy-six of the Army Act (which relates to the limit of an enlistment) —

‘Provided that the Army Council in special cases may by order direct that where any boy is enlisted in a particular corps before attaining the age of eighteen the period of twelve years shall be reckoned from the day on which he attains the age of eighteen years

#### *Part II — Amendment of Air Forces Act*

<sup>Amendment  
of s. 70</sup> 7 The following paragraph shall be inserted at the end of section seventy-six of the Air Forces Act (which relates to the limit of an enlistment) —

‘Provided that where any boy is enlisted in the regular air force before attaining the age of eighteen the period of twelve years shall be reckoned from the day on which he attains the age of eighteen years

#### *Part III — Amendments of Army Act applicable also to the Air Forces Act*

8. Sub-section (2) of section eighty seven of the Army Act (which relates to the prolongation of service in certain cases) shall be amended as follows —

After the word “foreign power” there shall be inserted the word “or while such soldier is on service beyond the seas”

At the end of the sub-section the words "unless at that time a proclamation calling out the army reserve or any part thereof is in force" shall be added

9. In sub-section (8) of section one hundred and ninety of the Army Amendment Act (which provides for the definition of the expressions "regular forces" and "His Majesty's regular forces") for the words "in any part of the world" there shall be substituted the words "in every part of the world, or in any specified part of the world"

10. References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and those provisions shall, in their application to the air force have effect subject to any of the general modifications set out in Part I of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply

## SCHEDULE.

Section 3.

Accommodation to be provided	Maximum Price.
Lodging and attendance for soldier where meals furnished	Tenpence per night for the first soldier and eightpence per night for each additional soldier
Breakfast as specified in Part I of the Second Schedule to the Army and Air Force Acts	Sevenpence each
Dinner as so specified . . .	Eightpence.
Supper as so specified . . . .	Threepence
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat	Tenpence per night for the first soldier and eightpence per night for each additional soldier
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse	One shilling and ninepence per day
Stable room without forage	Sixpence per day
Lodging and attendance for officer . . .	Three shillings per night.

NOTE --An officer shall pay for his food

THE EAST INDIA LOANS (RAILWAYS AND IRRIGATION) ACT, 1922

(12 Geo 5, c 9.)

An Act to empower the Secretary of State in Council of India to raise money in the United Kingdom for the service of the Government of India and for other purposes relating thereto

[12th April, 1922.]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows—

**Short title.** 1. This Act may be cited as the East India Loans (Railways and Irrigation) Act 1922.

**Definition.** 2. In this Act the expression "Secretary of State" means the Secretary of State in Council of India unless the context otherwise requires.

**Powers to be used mainly in  
India mainly in  
pounds for  
constructing  
extending  
and equipping  
railways in  
India, and  
in other  
works, and  
for other  
purposes.** 3. It shall be lawful for the Secretary of State at any time or times to raise in the United Kingdom as and when necessary by the creation and issue of capital stock bonds debentures or bills or partly by one or such modes and partly by another or others any sum or sums of money not exceeding in the whole fifty million pounds sterling to be applied to—

- (1) The construction extension equipment and improvement of railways in India by State agency or through the agency of a company or companies under engagement with the Secretary of State.
- (2) The repayment of the principal of any bonds, debentures or debenture stock issued by any such company under the guarantee of the Secretary of State.
- (3) The discharge of any obligations incurred or arising by reason of the purchase by the Secretary of State of any railway constructed or worked in India by any such company, or on the determination of the contract of any such company with the Secretary of State.
- (4) The construction extension equipment, and improvement of irrigation works in India.

**Laws of  
India.** 1. (1) All bonds to be issued by the Secretary of State under the authority of this or any previous Act of Parliament may be issued under the hands of two members of the Council of India and countersigned by the Secretary of State for India or one of his Under-Secretaries or his deputy or a Joint Under-Secretary, and shall be for such respective

amounts, payable after such notice, and at such rate or rates of interest, as the said Secretary of State may think fit, and all signatures required by this section may be impressed or affixed by machinery or otherwise in such manner as the Secretary of State may from time to time direct

(2) Bonds issued before the passing of this Act and bearing the prescribed signatures impressed or affixed by machinery, or otherwise, shall be deemed to have been lawfully issued.

5. The power given to the Secretary of State by this or any previous Act of Parliament to raise money by means of stock or other securities shall be deemed to include and to have always included the power to provide for redemption of stock or securities at a premium, and the power to arrange for giving an option (subject to such conditions and on such terms as he may determine and with or without payment of any further consideration) to holders of stock or securities to take new stock or securities in lieu thereof and to create stock or securities, for the purpose, and any stock or securities surrendered for the purpose of exchange shall be cancelled

Any stock or securities created for the purpose of an exchange under this section shall not be taken into account in calculating the nominal amount of securities authorised to be issued under this or any previous Act

6. In case of the creation and issue of capital stock there shall be kept, either at the office of the Secretary of State in London, or at the Bank of England, books wherein entries may be made of the said capital stock, and wherein assignments or transfers of the same, or any part thereof, may be entered and registered, and may be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and in such case the person or persons to whom such transfer or transfers shall be made may respectively underrite his, her, or their acceptance thereof, and no stamp duties whatsoever shall be charged on the said transfers or any of them

Nothing in this section shall affect the provisions of section six of the Government of India (Amendment) Act, 1916, with respect to the transfer of India Stock by deed.

7. Subject to the provisions of this Act, the nominal amount of the Nominal stock, bonds, debentures or bills issued under this Act shall not exceed the sum of money authorised to be raised by this Act, and the like provision shall be deemed to have been included in the East India Loans (Railways) Act, 1905, the East India Loans Act, 1908, and the East India Loans (Railways and Irrigation) Act, 1910.

*The Empire Settlement Act 1922* [12 & 13 Geo 5, c 13]

### **Application of solutions.**

8 Sections five to eleven inclusive sections fourteen to sixteen <sup>56 & 57 Vic</sup>  
inclusive and section nineteen of the East India Loans Act 1893 and  
section five of the East Indian Loans Act 1908 shall be incorporated with  
this Act.

Provided that—

(a) the said sections seven and eleven as so incorporated shall have effect as though the words "at par" were omitted, and

(b) for the purposes of the said section fourteen as so incorporated the purchase of securities in the market and their subsequent cancellation shall be deemed to be repayment of principal moneys equal to the nominal amount of the securities purchased.

Savings

9 This Act shall not prejudice or affect any power of raising or borrowing money or of creating or issuing securities vested in the Secretary of State at the time of the passing thereof

**Invitation  
to Members of  
the House  
of Communi-**

10 None of the provisions of the House of Commons (Disqualifications) Act 1782 or the House of Commons (Disqualifications) Act 1801 shall be construed so as to extend or as having extended to any subscription or contribution to any loan raised under this Act or under any previous Act relating to East India Loans.

THE KNERE SETTLEMENT, VET. 1922

(12 & 13 Goo 5, c 13 )

*An Act to make better provision for furthering British Settlement in His  
Majesty's Oversea Dominions*

[31st May 1922]

By it enacted by the King & most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

1 (1) It shall be lawful for the Secretary of State in association with the government of any part of His Majesty's Dominions or with public authorities or public or private organisations either in the United Kingdom or in any part of such Dominions to formulate and co-operate in carrying out agreed schemes for affording joint assistance to suitable persons in the United Kingdom who intend to settle in any part of His Majesty's Overseas Dominions.

(2) An agreed scheme under this Act may be either —

- (a) a development or a land settlement scheme, or
- (b) a scheme for facilitating settlement in or migration to any part of His Majesty's Oversea Dominions by assistance with passages, initial allowances, training or otherwise,

and shall make provision with respect to the contributions to be made, either by way of grant or by way of loan or otherwise, by the parties to the agreed scheme towards the expenses of the scheme

(3) The Secretary of State shall have all such powers as may be necessary for carrying out his obligations under any scheme made in pursuance of this Act

Provided that—

- (a) the Secretary of State shall not agree to any scheme without the consent of the Treasury, who shall be satisfied that the contributions of the government, authority, or organisation with whom the scheme is agreed towards the expenses of the scheme bear a proper relation to the contribution of the Secretary of State, and
- (b) the contribution of the Secretary of State shall not in any case exceed half the expenses of the scheme, and
- (c) the liability of the Secretary of State to make contributions under the scheme shall not extend beyond a period of fifteen years after the passing of this Act

(4) Any expenses of the Secretary of State under this Act shall be paid out of moneys provided by Parliament

Provided that the aggregate amount expended by the Secretary of State under any scheme or schemes under this Act shall not exceed one million five hundred thousand pounds in the financial year current at the date of the passing of this Act, or three million pounds in any subsequent financial year, exclusive of the amount of any sums received by way of interest on or repayment of advances previously made

2. His Majesty may by Order in Council direct that this Act shall apply to any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the government of any part of His Majesty's Dominions as if that territory were a part of His Majesty's Dominions, and, on the making of any such order, this Act shall, subject to the provisions of the Order, have effect accordingly

3. This Act may be cited as the Empire Settlement Act, 1922

Short title.

## THE INDIAN HIGH COURTS ACT 1922

(12 &amp; 13 Geo 5, c 20)

*An Act to make further provision with respect to the qualifications of Judges of High Courts in British India*

[20th July, 1922]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

**Amendment of s. 101 (3) (d) of the Government of India Act.** 1. Sub-section (3) of section one hundred and one of the Government of India Act (which relates to the qualifications to be possessed by a judge of a High Court) shall have effect and shall as from the 1st day of April nineteen hundred and twenty-one be deemed to have had effect, as though the following paragraph were substituted for paragraph (d) of that sub-section —

'(d) a person who has been a pleader of one of the High Courts referred to in this Act or of any Court which is a High Court within the meaning of clause (24) of section 3 of the Act of the Indian Legislature known as the General Clauses Act 1897 for an aggregate period of not less than ten years

**Short title.** 2. This Act may be cited as the Indian High Courts Act 1922

## THE NAVAL DISCIPLINE ACT, 1922

(12 &amp; 13 Geo 5 c 37)

## ARRANGEMENT OF SECTIONS

## SECTION

- 1 Amendment of s. 13 of the Naval Discipline Act
- 2 Amendment of s. 18 of the Naval Discipline Act
- 3 Amendment of s. 10 of the Naval Discipline Act
- 4 Amendment of s. 20 of the Naval Discipline Act
- 5 Amendment of s. 26 of the Naval Discipline Act
- 6 Provisions respecting naval officer and men in ships of self-governing Dominions
- 7 Amendment of s. 28A of the Naval Discipline Act
- 8 Printing and construction of Naval Discipline Act
- 9 Short title, commencement and repeal

SCHEDULE

*An Act to amend the Naval Discipline Act.*

[4th August, 1922]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. In paragraph (1) of section fifty-three of the Naval Discipline Act (which relates to the term of penal servitude which may be awarded) "three years" shall be substituted for "five years." Amendment of s. 53 of the Naval Discipline Act

2. Section fifty-eight of the Naval Discipline Act (which relates to the constitution of courts-martial) shall be amended as follows — Amendment of s. 58 of the Naval Discipline Act

In sub-section (2) after the word "commander" there shall be inserted the words "lieutenant-commander" Amendment of s. 58 of the Naval Discipline Act

In sub-section (3) after the word "commanders" there shall be inserted the words "lieutenant-commanders"

In sub-section (17) after the word "commander," wherever that word occurs, there shall be inserted the words "lieutenant-commander"

3. In section sixty of the Naval Discipline Act (which relates to the times or sitting of courts-martial), for the words "A court-martial held in pursuance of this Act shall sit from day to day" there shall be substituted the words "A court-martial held in pursuance of this Act may, if it appears to the Court that an adjournment is desirable, be adjourned for a period not exceeding six days, but except where such an adjournment is ordered shall sit from day to day" Amendment of s. 60 of the Naval Discipline Act

4. At the end of section eighty of the Naval Discipline Act, which relates to the removal of prisoners to asylums in the case of insanity, the following provision shall be inserted Amendment of s. 80 of the Naval Discipline Act

"This section shall not apply to persons imprisoned in England"

5. Section eighty-six of the Naval Discipline Act (which defines certain terms) shall be amended as follows — Amendment of s. 86 of the Naval Discipline Act

(1) In the definition of "officer," after the words "warrant officer" there shall be inserted the words "other than a warrant officer, class II, of the Royal Marines"

(2) In the definition of "superior officer," for the word "including" there shall be substituted the words "warrant officers"

Provisions  
respecting  
naval officers  
and seamen  
in ships of  
self governing  
Dominions.

**6 (1)** After section ninety A of the Naval Discipline Act there shall be inserted the following new section —

**"90B (1)** Any person in or belonging to His Majesty's Navy and any officer or man of the Royal Marines who, by order of the Admiralty or of the Commander in Chief or the Senior Naval Officer present on a foreign station is serving in a ship of or belonging to the naval forces of a self governing Dominion (provided such ship is not at the time placed at the disposal of the Admiralty) or in a naval establishment of a self-governing Dominion or who is on board such ship or in such establishment as aforesaid awaiting passage or conveyance to any destination shall for all purposes of command and discipline be subject to the laws and customs for the time being applicable to the ships and naval forces of such self governing Dominion

**(2)** For the purposes of this section the expression 'self governing Dominion' includes the Dominion of Canada the Commonwealth of Australia the Dominion of New Zealand the Union of South Africa, and Newfoundland

Amendment  
of s. 98<sup>c</sup>  
of the Naval  
Discipline  
Act.

**7** Section ninety-eight A of the Naval Discipline Act (which relates to the liability of seamen etc for the maintenance of wives and children) shall be amended as follows —

The following sub-section shall be substituted for sub-section (2) —

**(2) Where—**

**(a)** it appears to the satisfaction of the Admiralty or any person deputed by them for the purpose that a person subject to this Act has deserted or left in destitute circumstances, without reasonable cause his wife or any of his legitimate children under fourteen years of age; or

**(b)** any order or decree is made under any Act or at common law for payment by a man who is or subsequently becomes subject to this Act either of the cost of the maintenance of his wife or child or of any bastard child of whom he is the putative father or of the cost of any relief given to his wife or child by way of loan and a copy of such order or decree is sent to the Admiralty or any person deputed by them for the purpose

the Admiralty or the person so deputed may direct to be deducted from the pay of the person so subject to this Act and to be appropriated toward the maintenance of his wife or children or in liquidation of the sum aforesaid to be paid by such order or decree as the case may be in such manner as the Admiralty or the person so I put I may think fit a portion of such pay at their or his discretion but the amount deducted

shall not exceed the amount fixed by the order or decree (if any), and shall not be a higher rate than hereinafter set out, namely—

- (i) in the case of a chief mechanician, chief artificer, chief shipwright, or chief petty officer mechanic, or a Warrant Officer (Class II), a quartermaster-sergeant, quartermaster-sergeant instructor, or a company sergeant-major in the Royal Marines—in respect of a wife or children four shillings a day and in respect of a bastard child three shillings a day,
- (ii) in the case of any other chief petty officer or a petty officer or of any other non-commissioned officer not below the rank of sergeant in the Royal Marines—in respect of a wife or children three shillings a day and in respect of a bastard child two shillings a day,
- (iii) in the case of any other naval rating, or soldier in the Royal Marines—in respect of a wife or children two shillings a day and in respect of a bastard child one shilling and six pence a day

Provided that no such deductions from pay in liquidation of a sum adjudged to be paid by an order or decree as aforesaid shall be ordered unless the Admiralty are, or the person deputed by them is, satisfied that the person against whom the order or decree was made has had a reasonable opportunity of appearing himself, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order or decree was made, and a certificate, purporting to be a certificate of the commanding officer of the ship on which he was or is serving, or on the books of which he was or is borne, that the person has been prevented by the requirements of the service from attending at a hearing of any such case shall be evidence of the fact unless the contrary is proved

Where any arrears have accumulated in respect of sums adjudged to be paid by any such order or decree as aforesaid whilst the person against whom the order or decree was made was serving under this Act, whether or not deductions in respect thereof have been made from his pay under this section, then after he has ceased so to serve an order of committal shall not be made in respect of those arrears unless the court is satisfied that he is able, or has, since he has ceased so to serve, been able to pay the arrears or any part thereof and has failed to do so ”

In sub-section (3) for the words “the process may be served by being left with the Admiralty” there shall be substituted the words “the process may, after not less than three weeks’ notice to the Admiralty, be served by being sent to the Secretary of the Admiralty”, for the words “a sum of money” there shall be substituted the words “such sum of money if any”, for the word “sufficient” there shall be substituted

Provisions respecting naval officers and seamen in ships of self governing Dominions.

**6 (1)** After section ninety A of the Naval Discipline Act there shall be inserted the following new section —

**"90B (1)** Any person in or belonging to His Majesty's Navy and any officer or man of the Royal Marines who, by order of the Admiralty or of the Commander in Chief or the Senior Naval Officer present on a foreign station is serving in a ship of or belonging to the naval forces of a self-governing Dominion (provided such ship is not at the time placed at the disposal of the Admiralty) or in a naval establishment of a self-governing Dominion or who is on board such ship or in such establishment as aforesaid awaiting passage or conveyance to any destination shall for all purposes of command and discipline be subject to the laws and customs for the time being applicable to the ships and naval forces of such self governing Dominion

**(2)** For the purposes of this section, the expression 'self-governing Dominion' includes the Dominion of Canada the Commonwealth of Australia the Dominion of New Zealand the Union of South Africa, and Newfoundland "

Amendment  
of s. 98 L  
of the Naval  
Discipline  
Act.

**7** Section ninety-eight A of the Naval Discipline Act (which relates to the liability of seamen etc for the maintenance of wives and children) shall be amended as follows —

The following sub-section shall be substituted for sub-section (2) —

**(2) Where—**

**(a)** it appears to the satisfaction of the Admiralty or any person deputed by them for the purpose that a person subject to this Act has deserted or left in destitute circumstances, without reasonable cause his wife or any of his legitimate children under fourteen years of age, or

**(b)** any order or decree is made under any Act or of common law for payment by a man who is or subsequently becomes subject to this Act either of the cost of the maintenance of his wife or child or of any bastard child of whom he is the putative father or of the cost of any relief given to his wife or child by way of loan and a copy of such order or decree is sent to the Admiralty or any person deputed by them for the purpose

the Admiralty or the person so deputed may direct to be deducted from the pay of the person so subject to this Act and to be appropriated towards the maintenance of his wife or children or in liquidation of the sum aforesaid to be paid by such order or decree as the case may be in such manner as the Admiralty or the person so deputed may think fit a portion of such pay at their or his discretion but the amount deducted

shall not exceed the amount fixed by the order or decree (if any), and shall not be a higher rate than hereinafter set out, namely—

- (i) in the case of a chief mechanician, chief artificer, chief shipwright, or chief petty officer mechanic, or a Warrant Officer (Class II), a quartermaster-sergeant, quartermaster-sergeant instructor, or a company sergeant-major in the Royal Marines—in respect of a wife or children four shillings a day and in respect of a bastard child three shillings a day,
- (ii) in the case of any other chief petty officer or a petty officer or of any other non-commissioned officer not below the rank of sergeant in the Royal Marines—in respect of a wife or children three shillings a day and in respect of a bastard child two shillings a day,
- (iii) in the case of any other naval rating, or soldier in the Royal Marines—in respect of a wife or children two shillings a day and in respect of a bastard child one shilling and six pence a day

Provided that no such deductions from pay in liquidation of a sum adjudged to be paid by an order or decree as aforesaid shall be ordered unless the Admiralty are, or the person deputed by them is, satisfied that the person against whom the order or decree was made has had a reasonable opportunity of appearing himself, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order or decree was made, and a certificate, purporting to be a certificate of the commanding officer of the ship on which he was or is serving, or on the books of which he was or is borne, that the person has been prevented by the requirements of the service from attending at a hearing of any such case shall be evidence of the fact unless the contrary is proved

Where any arrears have accumulated in respect of sums adjudged to be paid by any such order or decree as aforesaid whilst the person against whom the order or decree was made was serving under this Act, whether or not deductions in respect thereof have been made from his pay under this section, then after he has ceased so to serve an order of committal shall not be made in respect of those arrears unless the court is satisfied that he is able, or has, since he has ceased so to serve, been able to pay the arrears or any part thereof and has failed to do so."

In sub-section (3) for the words "the process may be served by being left with the Admiralty" there shall be substituted the words "the process may, after not less than three weeks' notice to the Admiralty, be served by being sent to the Secretary of the Admiralty", for the words "a sum of money" there shall be substituted the words "such sum of money if any", for the word "sufficient" there shall be substituted

the words "as may be fixed by the Admiralty as being necessary" and the word "daily" shall be omitted.

At the end of the section the following new sub-section shall be added —

'(5) In this section the expression "pay" includes all sums payable to a man in respect of his services other than allowances in lieu of lodgings, rations, provisions, and clothing.'

**8** The following Part shall be inserted in the Naval Discipline Act immediately after Part VII and that Act shall have effect as if it had, when originally enacted contained such a Part —

## PART VIII

### PRINTING CLAUSE.

**102** (1) Every enactment and word which is directed by any Act amending this Act to be substituted for or added to any portion of this Act shall form part of this Act in the place assigned to it by the amending Act and this Act and all Acts which refer thereto shall, after the commencement of the amending Act be construed as if that enactment or word had been originally enacted in this Act in the place so assigned, and where it is substituted for another enactment or word had been so enacted in lieu of that enactment or word and as if this Act had been enacted with the omission of any enactment or word which is directed by the amending Act to be repealed or omitted from this Act, and the expression "this Act" shall be construed accordingly.

(2) A copy of this Act with every such enactment and word inserted in the place so assigned and with the omission of any portion of this Act directed by any such amending Act as aforesaid to be repealed or omitted from this Act shall be prepared and certified by the Clerk of the Parliament and deposited with the rolls of Parliament and His Majesty's printer shall print in accordance with the copy so certified all copies of this Act which are printed after the commencement of such amending Act.

(3) A reference in any enactment, Order in Council, or other document to the Naval Discipline Act shall unless the context otherwise requires be construed as a reference to this Act as amended by any enactment for the time being in force.

**9** (1) This Act may be cited as the Naval Discipline Act 1922.

(2) This Act shall come into operation at the expiration of one month after the passing thereof.

(3) The enactments mentioned in the Schedule to this Act are hereby referred to the extent specified in the third column of that Schedule.

SCHEDULE

Session and Chapter	Short Title	Extent of Repeal
47 & 18 Vict., c. 39	The Naval Discipline Act, 1884	Section seven
9 Edw 7, c. 41 .	The Naval Discipline Act, 1909	Section two
5 & 6 Geo. 5, c. 30	The Naval Discipline Act, 1915	Section sixteen
5 & 6 Geo. 5, c. 73	The Naval Discipline (No. 2) Act, 1915	Section five
7 & 8 Geo. 5, c. 34	The Naval Discipline Act, 1917	Section two.
7 & 8 Geo. 5, c. 51	The Air Force (Constitution) Act, 1917.	In section seven, the words "and section two of the Naval Discipline Act, 1917 (which relates to the printing and construction of the Naval Discipline (Act), shall apply to the amendments of the Naval Discipline Act made by this Act in like manner as it applies to the amendments thereof made by this Act"

THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1922

(12 & 13 Geo. 5, c. 44.)

*An Act to amend the British Nationality and Status of Aliens Acts, 1914 and 1918, as respects the acquisition of British Nationality by persons born out of His Majesty's Dominions*

[4th August, 1922]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. Section one of the principal Act (which contains the definition of a natural-born British subject) shall be amended as follows —

(1) The following paragraph shall be substituted for paragraph (b) of sub-section (1) —

"(b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British

subject, and who fulfils any of the following conditions, that is to say if either—

- (i) his father was born within His Majesty's allegiance or
- (ii) his father was a person to whom a certificate of naturalization had been granted or
- (iii) his father had become a British subject by reason of any annexation of territory, or
- (iv) his father was at the time of that person's birth in the service of the Crown or
- (v) his birth was registered at a British consulate within one year or in special circumstances with the consent of the Secretary of State two years after its occurrence or in the case of a person born on or after the first day of January nineteen hundred and fifteen who would have been a British subject if born before that date within twelve months after the first day of August, nineteen hundred and twenty two", and

(2) The following shall be inserted at the end of sub-section (1) —

Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one or within such extended period as may be authorised in special cases by regulations made under this Act—

- (i) he asserts his British nationality by a declaration of reversion of British nationality registered in such manner as may be prescribed by regulations made under this Act and
- (ii) if he is a subject or citizen of a foreign country under the law of which he can at the time of asserting his British nationality divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise he divests himself of such nationality accordingly'

~~2. At the end of sub-section (1) of section twenty seven of the principal Act the following words shall be inserted —~~

The expression "British Consulate" means the office of any British consular officer where a register of births is kept and includes in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty the office of such resident or representative.

13 Geo. 5, c. 4.] *The Trade Facilities and Loans Guarantee Act, 1922 (Session 2)*

5 Geo.  
c. 17.  
9 Geo  
c. 38.

3. (1) In this Act the expression "the principal Act" means the British Nationality and Status of Aliens Act, 1914, as amended by the British Nationality and Status of Aliens Act, 1918

Interpreta-  
tion, short  
title, and  
printing

(2) This Act may be cited as the British Nationality and Status of Aliens Act, 1922, and the principal Act, the British Nationality and Status of Aliens Act, 1918, and this Act may be cited together as the British Nationality and Status of Aliens Acts, 1914 to 1922

(3) Every enactment and word which is directed by this Act, to be substituted for or added to any portion of the principal Act, shall form part of the principal Act in the place assigned to it by this Act, and the principal Act, and all Acts, including this Act, which refer thereto shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the principal Act, in the place so assigned, and where it is substituted for another enactment or word had been enacted in lieu of that enactment or word

A copy of the principal Act, with the amendments, whether by way of substitution, addition or omission, required by this Act, shall be prepared and certified by the Clerk of the Parliaments and deposited with the Rolls of Parliament, and His Majesty's printer shall print, in accordance with the copy so certified, all copies of the principal Act, which are printed after the commencement of this Act

(4) A reference in any enactment (whether passed before or after the passing of this Act), or in any document to the British Nationality and Status of Aliens Act, 1914, shall, unless the context otherwise requires, be construed to refer to that Act as amended by any enactment for the time being in force

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THE TRADE FACILITIES AND LOANS GUARANTEE ACT, 1922 (SESSION 2)

(13 Geo. 5, c. 4.)

ARRANGEMENT OF SECTIONS

SECTIONS

- 1 Amendment of s 1 of 11 & 12 Geo 5, c 65
- 2 Guarantee of Austrian loan
- 3 Guarantee of Soudan loan
- 4 Period for which guarantees under the Overseas Trade Acts may remain in force
- 5 Charge on the Consolidated Fund of sums required for fulfilling guarantees, and presentation of annual statement to Parliament
- 6 Short title

An Act to amend section one of the Trade Facilities Act 1921 and the Overseas Trade Acts 1920 and 1921 and to authorise the Treasury to guarantee certain loans to be raised by the Government of the Federal Republic of Austria and the Government of the Soudan respectively

[15th December 1922]

Be it enacted by the King & most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same as follows —

Amendment  
of s. 1 of 11  
& 1<sup>o</sup> Geo  
5 c. 65.

1 (1) The maximum limit on the aggregate capital amount of the loans the principal or interest of which may be guaranteed under sub-section (1) of section one of the Trade Facilities Act, 1921, shall be increased from twenty five million pounds to fifty million pounds<sup>1</sup>

(2) The period within which guarantees may be given under the said section one as amended by this section shall be extended by one year, and accordingly for the words 'the year' in sub-section (5) of the said section one there shall be substituted the words "each year"

(3) For the purpose of meeting the costs and expenses incurred by the Treasury in administering the said section one there shall be charged in connection with applications for and the giving of guarantees under the said section and other matters arising thereunder such fees as the Treasury may from time to time prescribe

(4) This section shall be construed as one with section one of the Trade Facilities Act 1921 and that section and this section may be cited together as the Trade Facilities Acts 1921 and 1922

Guarantees of  
Austrian loan

2 Whereas with the object of assisting Austria in the work of her economic and financial reparation His Majesty's Government in conjunction with certain other Governments has undertaken to guarantee to the extent set out in the Protocol known as Protocol No 11 and signed at Vienna on the fourth day of October nineteen hundred and twenty-two and the Annexes thereto a loan to be raised by the Government of the Federal Republic of Austria (in this Act referred to as 'the Austrian Government') of such an amount as after payment of the expenses of issue will produce the equivalent of a sum not exceeding six hundred and fifty million gold crowns

And whereas it is provided by the said Protocol No 11 that the loan so to be raised by the Austrian Government (in this Act referred to as the Austrian loan) is to be employed under the authority of a Commissioner General to be appointed by the Council of the League of

<sup>1</sup> It has been raised to fifty million pounds by 1 of 1 Ge 5 c 13

<sup>2</sup> The period has been extended to 31st March 1923 by 1

Nations, and in accordance with certain obligations undertaken by the Austrian Government as set out in a Protocol known as Protocol No. III and signed at Geneva on the third day of October nineteen hundred and twenty-two

And whereas it is provided by the said Protocols that the payment of the amount required in each year to meet the interest on and the sinking fund for the Austrian loan (in this section referred to as "the annual charge") shall be secured by a charge on the gross receipts of the Austrian Customs and of the Austrian Tobacco Monopoly, and the Austrian Government have obtained the necessary powers for securing the said payment by such a charge

Now, therefore—

- (1) The Treasury may guarantee the payment of—
  - (a) a sum not exceeding the amount of the annual charge in respect of one-fifth of so much of the Austrian loan as is required to produce the equivalent of a sum not exceeding five hundred and twenty million gold crowns,
  - (b) a sum not exceeding the amount of the annual charge in respect of one-third of so much of the Austrian loan as is required to produce the equivalent of a sum not exceeding one hundred and thirty million gold crowns,
  - (c) the principal of and interest on any short-term securities which may be issued after the commencement of this Act by the Austrian Government with the consent of the said Commissioner-General in anticipation of the raising of the Austrian loan,
- (2) For the purpose of rendering more readily effective any guarantee which may be given by the Treasury in respect of the Austrian loan or of any such securities as aforesaid, the Treasury may, if they think fit, issue for deposit with a person to be agreed upon between the Governments of the several States by whom the Austrian loan is guaranteed securities up to an amount representing, in the case of a guarantee given in respect of the Austrian loan, either the principal of that part of the loan in respect of which the guarantee is given or the liability of the Treasury under the guarantee in respect of the annual charge, and in the case of a guarantee given in respect of any such securities as aforesaid the principal of the securities
- (3) Any securities so issued in connection with any such guarantee shall be in such form and expressed in terms of such currency as the Treasury think proper, and shall bear interest at the same rate as the interest payable on the loan or securities guaranteed

(4) The Treasury may, if the terms on which the Austrian loan is issued provide for the redemption thereof by means of annual drawings, make similar arrangements with respect to any securities issued by the Treasury under this section, and may make regulations with respect to the drawing of the securities and for determining the date on which any securities so drawn are to be redeemed.

**Guarantee of Soudan loan.** 3 (1) Subject to the provisions of this section the Treasury may guarantee in such manner as they think fit the payment of the principal of and the interest on any loan raised by the Government of the Soudan for or in connexion with works for the purpose of irrigating the Gezirah Plain (in this Act referred to as "the Soudan loan") not exceeding in the aggregate an amount sufficient to raise three million five hundred thousand pounds.

(2) A guarantee shall not be given under this section until the Government of the Soudan have provided to the satisfaction of the Treasury and the Secretary of State—

- (a) For raising, appropriating and duly applying the Soudan loan for or in connection with the purpose aforesaid;
- (b) For the establishment and regulation of a sinking fund for the purpose of the repayment of the principal of the Soudan loan or any instalment thereof within a period not exceeding fifty years from the date on which the loan or the instalment is actually raised;
- (c) For charging on the general revenues and assets of the Soudan or on any other revenues or assets which may be made available for the purpose with priority over any charges not existing at the date of the passing of this Act, the principal of and the interest on the Soudan loan and any sinking fund payments for the repayment of the principal;
- (d) For charging on the general revenues and assets of the Soudan immediately after the last mentioned charge the repayment to the Treasury of any sum issued out of the Consolidated Fund of the United Kingdom under the Act on account of the guarantee given under this section, with interest thereon at such rate as the Treasury may fix;
- (e) For raising or securing the raising of sufficient money to meet the above charges.

4 (1) For the purpose of the provisions of the Overseas Trade Acts, 1920 and 1921 relating to the period within which the powers of the Board of Trade with respect to the giving of guarantees in connexion

**13 Geo. 5, c. 3.]** *The Army and Air Force (Annual) Act, 1923*

with export transactions may be exercised under those Acts, the date on which the Board enter into an agreement to give guarantees shall be deemed to be the date on which the guarantees are given, whether the agreement provides for the giving of guarantees in respect of specific transactions or for the giving of guarantees generally in respect of transactions up to a specified amount

(2) This section shall be construed as one with the Overseas Trade Acts, 1920 and 1921, and those Acts and this section may be cited together as the Overseas Trade Acts, 1920 to 1922

10 & 11  
Geo 5, c 29,  
11 & 12 Geo  
5, c 26

5 (1) Any sums required by the Treasury for fulfilling a guarantee given under this Act in respect of the Austrian loan or any securities issued by the Austrian Government, or in respect of the Soudan loan, or required by the Treasury for meeting the principal of or the interest on any securities issued by the Treasury under this Act, shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums received by way of repayment of any amount so issued out of the Consolidated Fund shall be paid into the Exchequer

Charge on  
the Consol-  
idated Fund  
of sums  
required  
for fulfilling  
guarantees  
and presenta-  
tion of  
annual  
statement to  
Parliament

(2) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act in respect of the Austrian loan, in respect of any securities issued by the Austrian Government, or in respect of the Soudan loan, and of any securities issued by the Treasury under this Act, and an account of any sums issued out of the Consolidated Fund of the United Kingdom for the purpose of any such guarantee or for meeting the principal of or the interest on any securities so issued by the Treasury, in each case as soon as may be after the guarantee is given or the securities or sums are issued

6. (1) This Act may be cited as the Trade Facilities and Loans Guarantee Act, 1922 (Session 2)

(2) For the purpose of citation the provisions of this Act relating to the Soudan loan shall be deemed to be included among the Acts which may be cited together as the Soudan Loan Acts, 1919 and 1922

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**THE ARMY AND AIR FORCE (ANNUAL) ACT, 1923**

**(13 Geo. 5, c. 3.)**

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**ARRANGEMENT OF SECTIONS**

**SECTION**

- 1 Short title
- 2 Army Act and Air Force Act to be in force for specified times.
- 3 Prices in respect of billeting.

*Part I—Amendments of Army Act*

## SECTION

- 4 Amendment of s 57
- 5 Amendment of ss 76 and 82
- 6 Amendment of s 122
- 7 Amendment of s 179

*Part II—Amendments of Air Force Act*

- 8 Re numbering of s 46A
- 9 Amendment of s 57
- 10 Amendment of s 80
- 11 Amendment of s 122

*Part III—Amendments of Army Act applicable also to the Air Force Act*

- 12 Amendment of s 44
- 13 Amendments of ss 46 47 138 and 182 with reference to warrant officers
- 14 Amendment of s 145
- 15 Application of Act in relation to mandated territories
- 16 Application to Air Force

## SCHEDULE

*An Act to provide during Twelve Months for the Discipline and Regulation of the Army and Air Force*

[26th April 1923]

WHEREAS the raising or keeping of a standing Army within the United Kingdom in time of peace unless it be with the consent of Parliament is against law;

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown and that the whole number of such forces should consist of one hundred and seventy thousand eight hundred including those to be employed at the depot in the United Kingdom for the training of recruits for service at home and abroad but exclusive of the numbers actually serving within His Majesty's Indian possessions;

And whereas under the Air Force (Constitution) Act 1917 His <sup>Ex G -</sup> Majest <sup>2 & 31</sup> is entitled to raise and maintain the air force and it is judged necessary that the whole number of such force should consist of thirty three thousand in India, those employed at the depot but exclusive of the numbers serving at home and the proportion of the Air Force

Act are due to expire at the same dates as the provisions of the Army Act

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm, yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow.

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty-three on the following days —

- (a) in Great Britain and Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April, and
- (b) elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

**1.** This Act may be cited as the Army and Air Force (Annual) Short title Act, 1923

**2. (1)** The Army Act and the Air Force Act shall be and remain Army Act and Air Force Act to be in force for specified times in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say) —

- (a) Within Great Britain and Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one

thousand nine hundred and twenty three to the thirtieth day of April one thousand nine hundred and twenty four, both inclusive and

(b) Elsewhere whether within or without His Majesty's dominions from the thirty first day of July, one thousand nine hundred and twenty three to the thirty first day of July, one thousand nine hundred and twenty four both inclusive.

(2) The Army Act and the Air Force Act while in force shall apply to persons subject to military law or to the Air Force Act, as the case may be whether within or without His Majesty's dominions

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty exclusive of the marine forces is either greater or less than the numbers hereinbefore mentioned.

**3** There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act

Prices in  
respect of  
billetting.

#### AMENDMENTS OF ARMY AND AIR FORCE ACTS

##### *Part I — Amendments of Army Act*

Amendment  
of 1927

**4** The following amendments shall be made in sub-section (2) of section fifty seven of the Army Act (which relates to the commutation and revision of sentences):—

(1) In paragraph (a) the words "offenders in whatever place they may for the time being be" shall be substituted for the words "persons undergoing sentence in any place whatever" and the word "offender" shall be substituted for the words "prisoner subject to such punishment"

(2) In paragraphs (b), (c) and (d) the words "offenders who are for the time being" shall be substituted for the words "persons undergoing sentences"

Amendment  
of 1927

**5** (1) In section seventy six of the Army Act (which prescribes the limit of original enlistment) the words "or classes of cases" shall be inserted after the word "cases" the words "a boy" shall be substituted for the words "any boy" and the words "in a particular corps" shall be omitted

(2) At the end of sub-section (2) of section eighty-two of the Army Act (which relates to appointments to corps) the following proviso shall be inserted

“ Provided that in the case of a boy enlisted for general service before attaining the age of eighteen, he need not be appointed to a particular corps until he attains that age ”

6. The following words shall be added at the end of sub-section (6) of section one hundred and twenty-two of the Army Act (which defines “ qualified officer ” for the purposes of the Act so far as it relates to convening and confirming findings and sentences of general courts-martial)

“ it also includes, in the case of a body of His Majesty’s military forces when serving beyond the seas, the officer not below the rank of field officer or corresponding rank commanding that body or the command within which they are serving, whether such officer is an officer of the navy, army, or air force ”

7. The following paragraph shall be inserted after paragraph (19) of section one hundred and seventy-nine of the Army Act (which contains the modifications of that Act with respect to the Royal Marines)

“ (19A) For the purposes of the attestation of men of the Royal Marines the expression ‘ officer ’ in section ninety-four of this Act includes an officer of the Royal Navy ”

#### *Part II —Amendments of Air Force Act*

8. Section 46A of the Air Force Act shall hereafter be numbered 47. <sup>Renumbering of s. 46A</sup>

9. In sub-section (2) of section fifty-seven of the Air Force Act (which relates to the commutation and remission of sentences) the words “ offenders in whatever place they may for the time being be ” shall be substituted for the words “ persons undergoing sentence in any place whatever ”

10. The following paragraph shall be inserted at the end of section eighty-nine of the Air Force Act (which provides for the transfer of airmen to the reserve in certain cases—)

“ Where an airman of the regular air force was, before attaining the age of eighteen enlisted for the whole term of his original enlistment in air force service, the Air Council may, within six years after he attained that age, give him notice that he may be transferred to the reserve when he is within two years of the end of the period of his air-force service in the terms of his original enlistment, and when such a notice has been given the competent air-force authority may

at any time within the said two years by order transfer him to the reserve in manner aforesaid"

**Amendment of s. 12.** **11.** In sub-section (6) of section one hundred and twenty two of the Air Force Act (which defines "qualified officer" for the purposes of the Act so far as it relates to convening and confirming findings and sentences of general courts-martial) for the words "on active service the officer commanding in chief in the field" there shall be substituted the words "when serving beyond the seas the officer not below the rank of squadron leader or corresponding rank commanding that body or the command within which they are serving"

### *Part III.—Amendments of Army Act applicable also to the Air Force Act*

**Amendment of s. 33.** **12.** In proviso (5) to section forty four of the Army Act (which prescribes the scale of punishment by courts-martial) after the word "flogging" there shall be inserted the words "or attachment to a fixed object"

**Amendments of s. 40, t. 13, and 15, with reference to warrant officers.** **13. (1)** In sub-section (1) of section forty six of the Army Act (which relates to the power of a commanding officer) after the words "field officer" there shall be inserted the words "or of a warrant officer"

(2) The following amendments shall be made in section forty seven of the Army Act (which relates to the power to deal summarily with charges against officers) —

(a) In sub-section (1) after the words "field officer" there shall be inserted the words "or against a warrant officer"

(b) In sub-section (2) after the word "awarding" there shall be inserted the words "in the case of an officer" and after the words "or reprimand" there shall be inserted "and in the case of a warrant officer one or more of the following punishments—

(a) Forfeiture in the prescribed manner of seniority of rank,

(b) Severe reprimand or reprimand

(c) Tax deduction authorised by this Act to be made from his ordinary pay

(c) In sub-section (3) for the words "officer charged" and "other" there shall be substituted the word "accused"

(d) In sub-section (4) for the word "accused officer" there shall be substituted the word "accused"

(3) After the word "such offence" in sub-section (3), and after the words "his commanding officer" in sub-section (1) of section one hundred and thirty eight of the Army Act (which relates to penal stoppage from the ordinary pay of soldiers) there shall be inserted the words "or by the authority dealing summarily with a charge under section forty seven of this Act"

(4) The following paragraph shall be added at the end of sub-section (2) of section one hundred and eighty-two of the Army Act (which contains special provisions as to warrant officers) —

“ or

“ (c) to the punishments prescribed in that behalf under section forty-seven of this Act by the authorities referred to in that section ”

**14.** (1) The following amendment shall be made in sub-section (2) Amendment of section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to maintain his wife and children) — After the words “ in respect of a wife or children ” wherever they occur there shall be inserted the words “ whether legitimate or illegitimate ” and the words “ in respect of a bastard child, three shillings ”, “ in respect of a bastard child, two shillings ” and “ and in respect of a bastard child, one shilling and six pence ” shall be omitted

(2) For the first paragraph of sub-section (3) of the said section there shall be substituted the following paragraph —

“ Where a proceeding is instituted against a soldier of the regular forces under any Act, or at common law for the purpose of enforcing against him any such liability as above in this section mentioned, then—

(a) if at the date of service of the process the soldier is quartered out of the jurisdiction of the court, or (where the proceeding is before a court of summary jurisdiction), out of the petty sessional division in which the proceeding is instituted, the process shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, in the hands of the commanding officer, a sum of money (to be adjudged as costs incurred in obtaining the order or decree, if any order or decree is made against the soldier) of a sufficient amount to enable him to attend the hearing of the case and return to his quarters, and such sum may be expended by the commanding officer for that purpose,

(b) in any other case the process may be served either on the commanding officer or on the soldier, provided that where the process is served on the soldier, a copy thereof shall be sent by the court by which it is issued to the commanding officer by registered post as soon as possible after the process is served, and in any case at least four days before the day fixed for the hearing of the case

“ Provided that no proceedings in this section mentioned shall be valid against a soldier of the regular forces if his commanding officer

at any time within the said two years by order transfer him to the reserve in manner aforesaid.'

**Amendment of s. 122** 12. In sub-section (6) of section one hundred and twenty-two of the Air Force Act (which defines "qualified officer" for the purposes of the Act so far as it relates to convening and confirming findings and sentences of general courts-martial), for the words "on active service the officer commanding in chief in the field," there shall be substituted the words "when serving beyond the seas the officer not below the rank of squadron leader or corresponding rank commanding that body or the command within which they are serving"

### *Part III — Amendments of Army Act applicable also to the Air Force Act*

**Amendment of s. 11** 12. In proviso (5) to section forty-four of the Army Act (which prescribes the scale of punishment by courts-martial) after the word flogging there shall be inserted the words "or attachment to a fixed object"

**Amendments of s. 48, 47  
134 and 15  
with re  
ference to  
warrant  
officers** 13. (1) In sub-section (1) of section forty-six of the Army Act (which relates to the power of a commanding officer) after the words "field officer" there shall be inserted the words "or of a warrant officer"

(2) The following amendments shall be made in section forty-seven of the Army Act (which relates to the power to deal summarily with charges against officers) —

- (a) In sub-section (1) after the words "field officer" there shall be inserted the words "or against a warrant officer"
- (b) In sub-section (2) after the word "award" there shall be inserted the words "in the case of an officer" and after the words "or reprimand" there shall be inserted "and in the case of a warrant officer one or more of the following punishments—"
  - (a) Forfeiture in the prescribed manner of seniority of rank,
  - (b) Severe reprimand or reprimand
  - (c) Any deduction authorised by this Act to be made from his ordinary pay
- (c) In sub-section (3) for the words "officer charged" and "other" there shall be substituted the word "accused"
- (d) In sub-section (4) for the words "accused officer" there shall be substitute the word "accused"
- (e) After the word "such offence" in sub-section (3), and after the words "his commanding officer" in sub-section (4) of section one hundred and thirty-eight of the Army Act (which relates to penal stoppage from the ordinary pay of soldiers) there shall be inserted the words "or by the authority dealing summarily with a charge under section forty-one of this Act"

(4) The following paragraph shall be added at the end of sub-section (2) of section one hundred and eighty-two of the Army Act (which contains special provisions as to warrant officers) —

“ or

“(c) to the punishments prescribed in that behalf under section forty-seven of this Act by the authorities referred to in that section ”

**14.** (1) The following amendment shall be made in sub-section (2) Amendment of section one hundred and forty-five of the Army Act (which relates to <sup>of s 145</sup>) the liability of a soldier to maintain his wife and children) —After the words “in respect of a wife or children” wherever they occur there shall be inserted the words “whether legitimate or illegitimate” and the words “in respect of a bastard child, three shillings”, “in respect of a bastard child, two shillings” and “and in respect of a bastard child, one shilling and six pence” shall be omitted

(2) For the first paragraph of sub-section (3) of the said section there shall be substituted the following paragraph —

“ Where a proceeding is instituted against a soldier of the regular forces under any Act, or at common law for the purpose of enforcing against him any such liability as above in this section mentioned, then—

(a) if at the date of service of the process the soldier is quartered out of the jurisdiction of the court, or (where the proceeding is before a court of summary jurisdiction), out of the petty sessional division in which the proceeding is instituted, the process shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, in the hands of the commanding officer, a sum of money (to be adjudged as costs incurred in obtaining the order or decree, if any order or decree is made against the soldier) of a sufficient amount to enable him to attend the hearing of the case and return to his quarters, and such sum may be expended by the commanding officer for that purpose,

(b) in any other case the process may be served either on the commanding officer or on the soldier, provided that where the process is served on the soldier, a copy thereof shall be sent by the court by which it is issued to the commanding officer by registered post as soon as possible after the process is served, and in any case at least four days before the day fixed for the hearing of the case

“ Provided that no proceedings in this section mentioned shall be valid against a soldier of the regular forces if his commanding officer

certifies that the soldier is under orders for service beyond the seas, and that in his opinion it will not be possible for the soldier to attend the hearing and return to his quarters in sufficient time to enable him to embark for such service. Every such certificate shall be sent to the court and shall be final and conclusive."

Application  
of Act in  
relation to  
mandated  
territories

**15** After section one hundred and eighty seven of the Army Act the following section shall be inserted—

**187A** This Act shall apply in relation to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty in like manner as it applies in relation to a British protectorate."

Application  
to Air Force.

**18** References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and those provisions shall in their application to the air force have effect subject to any of the general modifications set out in Part I of the Second Schedule to the Air Force (Constitution) Act 1917 which apply, and also with the substitution of a reference to "squadron leader" for the reference to field officer.

Section 2.

SCHEDULE

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Tenpence per night for the first soldier and eightpence per night for each additional soldier
Breakfast as specified in Part I of the Second Schedule to the Army and Air Force Acts.	Sevenpence each.
Dinner as so specified	Tenpence
Supper as so specified	Fourpence
Where no meals furnished, lodgings and attendance and candle, vine or salt and the use of fire and the necessary utensils for drawing and eating his meat.	Tenpence per night for the first soldier and eightpence per night for each additional soldier
Ration room and tea; pounds of meat, twelve pounds of flour and six pounds of straw per day for each Lance	One shilling and ninepence per day
Ration room without flour	Ninepence per day
Lodging and attendance for officer	Three shillings per night

Note.—In either case shall pay for his board.

## THE FEES (INCREASE) ACT, 1923

(13 Geo. 5, c. 4.)

## ARRANGEMENT OF SECTIONS.

## SECTION

- 1 Increase of certain fees under Merchant Shipping Acts.
- 2 Charge of new fees for certain services under the Merchant Shipping Acts
- 3 Limitation on fees to be fixed under the Merchant Shipping Acts
- 4 Fees under 42 & 43 Vict, c 47, s 3
- 5 Fees in respect of registration of business names
- 6 Fees under the Weights and Measures Act
- 7 Fees for licences to remove bodies after burial
- 8 Power to fix fees for matters done by officers of Foreign Office in the United Kingdom
- 9 Fees for holding inquiries
- 10 Repeals
- 11 Short title, construction and extent

## SCHEDULES

*An Act to provide for the increase of certain fees and the imposition of certain new fees in respect of various services, and for purposes connected therewith*

[26th April, 1923]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

58 Vict  
62 Vict.

1. (1) The provisions of the Merchant Shipping Act, 1894, and of the Merchant Shipping (Mercantile Marine Fund) Act, 1898, specified in the first column of Part I of the First Schedule to this Act so far as they limit the amount of fees chargeable under those Acts or grant exemptions from any such fees, shall have effect subject to the amendments mentioned in the third column of that Part of the Schedule

Provided that no fees shall be payable under section three of the Merchant Shipping (Mercantile Marine Fund) Act, 1898, in respect of vessels not exceeding ten tons gross register employed solely in fishing.

(2) For the Schedules of the said Acts mentioned in Part II of the First Schedule to this Act there shall be substituted the Schedules by that Part directed to be substituted therefor.

Charge of  
new fees  
for certain  
services under  
the Merchant  
Shipping  
Act.

**2 (1) Where—**

- (a) under section nineteen of the Merchant Shipping Act 1894, a Registrar of Shipping endorses and signs on the certificate of registry of a ship a memorandum of the change of the master, or
- (b) a certificate of service is granted in pursuance of section ninety nine of the Merchant Shipping Act, 1894 or
- (c) an indenture of apprenticeship to the sea service is recorded by a Superintendent or by the Registrar General of Shipping and Seamen

there shall be payable such fees as the Board of Trade may determine not exceeding those specified in Part I of the Second Schedule to this Act

(2) There shall be payable upon all engagements and discharges of seamen effected in the presence of a superintendent under section one hundred and fifteen (2) of section one hundred and sixteen and section one hundred and twenty seven of the Merchant Shipping Act 1894 such fee as may be fixed by the Board of Trade not exceeding those specified in Part II of the Second Schedule to this Act, and the superintendent may refuse to proceed with any engagement or discharge unless the fees payable have been first paid by the master or owner of the ship

**(3) On the inspection of a ship—**

- (a) under section four hundred and thirty-one of the Merchant Shipping Act 1894 either during the construction of the ship or otherwise for the purpose of seeing that the ship is properly provided in accordance with the provisions of the Merchant Shipping Acts 1894 to 1921 or any rules made thereunder with life saving appliances or
- (b) under section one of the Merchant Shipping (Wireless Telegraphy) Act 1919 for the purpose of seeing that the ship is properly provided in accordance with the rules made under that Act with a wireless telegraph installation and certified operators and watcher

there shall be paid in respect of the inspection such fees as the Board of Trade may determine not exceeding those specified in Part III of the Second Schedule to this Act

(4) Where under section two hundred and six of the Merchant Shipping Act 1894 or section two hundred and six of the Merchant Shipping Act 1921 any fees are imposed either before the master or on board a ship

there shall be payable in respect of such inspection such fees as the Board of Trade may determine not exceeding those specified in Part IV of the Second Schedule to this Act, but it shall not be obligatory that such an inspection should be made, and accordingly in sub-section (1) of the first mentioned section for the words "shall be inspected," there shall be substituted the words "may be inspected," and for the words "shall certify" there shall be substituted the words "may certify", and sub-section (3) of the same section shall be repealed

Provided that, where provisions which have been inspected and sealed by an inspecting officer are found on board any ship within such time as may be prescribed by the Board of Trade as the time for which the seals are to hold good, no fee shall be charged for the verification of the seals

**3.** The amount of the fees to be charged under the Merchant Shipping Acts, 1894 to 1921, as amended by this Act shall be so fixed, that the amount estimated by the Board of Trade to be produced thereby in any year shall not exceed one-half of the amount certified by the Board of Trade to be the aggregate estimated cost in that year of the administration of the services in respect of which the fees are payable

**4.** Twenty shillings shall be substituted for five shillings as the maximum fee payable under section three of the Petroleum Act, 1879, <sup>42 & 43, Vict, c 47,</sup> on the verification of apparatus for testing petroleum <sup>s 3</sup>

**5. (1)** There shall be payable for any search of the index kept under section twelve of the Registration of Business Names Act, 1916, such fee as may be prescribed not exceeding one shilling for each name in respect of which a search is made, and the search fee hereby authorised shall be payable in addition to any fee chargeable under section sixteen of that Act for the inspection of documents

**(2)** Section sixteen of the said Act (which prescribes, amongst other things, the maximum fees payable for certificates of registration and certified copies of, or extracts from, registered statements) shall have effect as though for the words "sixpence for each folio of seventy-two words, or in Scotland for each sheet of two hundred words, of the entry, copy, or extract," there were substituted the words "one shilling for any other entry, copy, or extract"

**(3)** One pound shall be substituted for five shillings as the maximum fee payable under section seventeen of the said Act in respect of the registration of any one statement

**6.** The Board of Trade shall be entitled to charge on the comparison and verification of local standards and other standards for the use of local authorities or their officers such fees as they may fix with the

Limitation  
fees to be  
fixed under  
Merchant  
Shipping  
Acts.

approval of the Treasury and after consultation with such associations of local authorities as appear to them to be concerned

Fees for  
Licences to  
remove bodies  
after burial

7 (1) Where a Secretary of State issues a licence under section twenty-five of the Burial Act, 1857, for the removal of any body, or the remains of any body, which has been interred in any place of burial, there shall be payable in respect of the licence such fee not exceeding two pounds as the Secretary of State with the consent of the Treasury, may prescribe

(2) Where in connexion with the removal of any such body or remains any officer of any local authority with the consent of the authority and in pursuance of any conditions attached to the licence by the Secretary of State performs any duties it shall be lawful for the Secretary of State to pay to the local authority any part of the fee received by him in connexion with such removal

Power to  
fix fees  
for matters  
done by  
officers of  
Foreign Office  
in the  
United  
Kingdom

8 (1) Where the fees to be charged in respect of any matter or thing done by a consular officer have been fixed by Order in Council under section two of the Consular Salaries and Fees Act 1891, His Majesty may by Order in Council direct that fees of like amount shall be charged in respect of any similar matter or thing done by a public officer in Great Britain acting under the authority of a Secretary of State

(2) All such fees shall be levied, accounted for and applied in accordance with regulations to be made by a Secretary of State with the approval of the Treasury

Fees for  
holding  
inquiries

9 Where under any Act of Parliament a government department is authorised or required to hold an inquiry and the costs of the inquiry are made payable by any local authority or other person or in such manner and by such persons as the department or the officer holding the inquiry may direct then notwithstanding anything in such Act, such costs may include a fee in respect of the services of any officer of the department engaged in the inquiry not exceeding five guineas a day

Repeals

10 The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule

to be used  
in Ireland  
and Irelan

11 (1) This Act may be cited as the Fees (Increase) Act 1923

(2) This Act so far as it amends the Merchant Shipping Acts 1901 to 1921 shall be construed along with those Acts and those Acts and this Act so far as it amends those Acts may be cited together as the Merchant Shipping Acts 1901 to 1923

(3) This Act so far as it relates to matters with respect to which the Parliament of Northern Ireland has no power to make laws shall extend to Northern Ireland

## SCHEDULES

Section 1.

## FIRST SCHEDULE.

## PART I

*Amendments of Provisions of Merchant Shipping Acts relating to Fees.*

Enactment amended	Service in respect of which Fees chargeable	Amendments
Merchant Shipping Act, 1894 (57 and 58 Vict c 60) —		
S 64 (1)	Inspection of register book	For the words "not exceeding one shilling" there shall be substituted the words "not exceeding two shillings,"
S 77 (2)	Remeasurement under Rule I of ships previously measured under Rule II	For the words "not exceeding seven shillings and sixpence for each transverse section" there shall be substituted the words "not exceeding that specified in the Third Schedule to this Act"
S 126 (2)	Granting of Certificate of Service for A B rating	For the words "not exceeding sixpence" there shall be substituted the words "not exceeding one shilling"
S 306 (2)	Medical inspection of steerage passengers	For the words "not exceeding twenty shillings for every hundred persons" there shall be substituted the words "not exceeding three pounds for the first hundred persons or fraction of a hundred persons inspected, and one pound for each additional hundred persons"
S 695 (2)	Supply of copies of certified documents	For the words "not exceeding fourpence" there shall be substituted the words "not exceeding one shilling," and for the words "on the payment of one shilling" there shall be substituted the words "on the payment of five shillings"

Enactment amended.	Services in respect of which Fees chargeable.	Amendments.
Merchant Shipping Act 1894 (57 and 58 Vict. c. 61):— Sixth Schedule Para. (6) and (7).	Inspection of accommodation of crew	For the words "shall not exceed ten shillings" there shall be substituted the words "shall not exceed twenty shillings, and for the words "shall not exceed one pound" there shall be substituted the words "shall not exceed four pounds."
Sixteenth Schedule	Inspection of lights and fog signals.	For the figures "£0 10s 0d." there shall be substituted the figures "£1 0s 0d." and for the words "shall not exceed one pound" there shall be substituted the words "shall not exceed four pounds."
Merchant Shipping (Mercantile Marine Fund) Act 1908 (61 and 62 Vict. c. 44):— S. 3	Registration transfer and mortgage of ships.	For the words "solely employed in fishing or sailing ships of under one hundred tons" there shall be substituted the words "not exceeding ten tons gross register employed solely in fishing."

## PART II

### SCHEDULE TO BE SUBSTITUTED FOR SCHEDULES PRESCRIBING FEES UNDER THE MERCHANT SHIPPING ACTS

For the Third Schedule to the Merchant Shipping Act 1894, the following Schedule shall be substituted:—

#### THIRD SCHEDULE

##### TABLE OF MAXIMUM FEES TO BE PAID FOR THE MEASUREMENT OF MERCHANT SHIPS

	£ s d
Vessels of 50 tons gross and under	2 0 0
Vessels of over 50 tons gross and under 100 tons for each additional 100 tons or part of 100 tons above 100 up to 1,000	4 0 0
For each additional 100 tons or part of 100 tons above 1,000 up to 1,100	2 0 0
For each additional 100 tons or part of 100 tons above 1,100	1 0 0
10/10	0 10 0

## NINTH SCHEDULE

## PART I.

*Maximum Fees to be Paid for Passenger Steamer's Certificate*

	£ s d
For a steamer not exceeding 50 ton gross	4 0 0
For a steamer exceeding 50 and not exceeding 100 tons gross	8 0 0
For a steamer exceeding 100 and not exceeding 300 tons gross	12 0 0
For a steamer exceeding 300 and not exceeding 600 tons gross	15 0 0
And for every additional 300 tons or part of 300 tons above 600 an additional	3 0 6

## PART II

*Maximum Fees to be Paid for Survey of Emigrant Ships*

	£ s d
(a) For ships holding valid passenger certificates	
For an ordinary survey of the ship and of her equipment, stores, etc	12 0 0
For a special survey	20 0 0
(b) For ships not holding valid passenger certificates	
an additional fee not exceeding that specified in the scale in Part I of this Schedule	

For the First Schedule to the Merchant Shipping (Mercantile Marine Fund) Act, 1898 the following Schedule shall be substituted —

## FIRST SCHEDULE

## TABLE OF MAXIMUM FEES TO BE PAID ON THE REGISTRATION, TRANSFER AND MORTGAGE OF SHIPS

1 *Registration*

## 1 On initial Registry —

	£ s d.
Vessels not exceeding 25 tons gross	2 0 0
Vessels exceeding 25 and not exceeding 50 tons gross	2 10 0
Vessels exceeding 50 and not exceeding 100 tons gross	3 0 0
Vessels exceeding 100 and not exceeding 200 tons gross	4 0 0
with £1 for every additional 100 tons or fraction of a 100	

2 *Transfer and Mortgage*

## 2 On transfer, transmission, registry anew, transfer of registry, mortgage, and transfer of mortgage

According to the gross tonnage represented by the ships or shares of ships transferred etc (e.g., the transfer of a 1/64 share in a ship of 6400 tons to be reckoned as the transfer of 100 tons)

	£ s d
Not exceeding 10 tons	0 5 0
10 tons and not exceeding 20 tons	0 10 0
20 tons and not exceeding 30 tons	0 15 0
30 tons and not exceeding 40 tons	1 0 0
40 tons and not exceeding 50 tons	1 5 0
50 tons and not exceeding 75 tons	1 10 0
75 tons and not exceeding 100 tons	1 15 0
100 tons and not exceeding 125 tons	2 0 0
and a further fee of 5s for every additional 50 tons or part of 50 tons up to 500 tons after which for every 100 tons, or part of 100 tons	0 5 0

## Section 2.

## SECOND SCHEDULE

## NEW MAXIMUM FEES

## PART I

*Certificates and Records*

	£ s d
For endorsing and signing on the certificate of registry of a ship a memorandum of the change of the master	0 10 0
For a certificate of service granted in pursuance of section 99 of the Merchant Shipping Act 1894	1 0 0
For recording an indenture of apprenticeship to the sea service	0 2 6

## PART II

*Engagement and Discharge of Seamen*

	£ s d
For every seaman engaged before a superintendent	0 1 0
for every seaman discharged before a superintendent	0 1 0

## PART III

*Inspection of Life-saving Appliances and Wireless Telegraphy Equipment*

For inspection of life-saving appliances on a vessel on or before first registration or re-registration	1/- for each life boat
For subsequent inspection at the request of the master or owner or in the case of a vessel found to have defective or damaged life-saving appliances	1/- per visit with a maximum of £1.
For inspection of a vessel which is found to be not properly provided with wireless telegraphy installation or with certified wireless transmitters and receivers	£1 per visit with a maximum of £1.

## PART IV.

*Inspection of Provisions.*

The following percentage of the market value of the provisions inspected —

If the provisions are inspected in bulk at a warehouse	2 per cent
If the provisions are inspected on a ship or alongside a ship	. 4 per cent

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## THIRD SCHEDULE

Section 10

## ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
41 & 42 Vict c 49	The Weights and Measures Act, 1878	In section thirty-seven the words "nor shall any fee be payable on the verification or re-verification of any local standard."
52 & 53 Vict c 21	The Weights and Measures Act, 1889	In section eight the words "not being standards for the use of a local authority or their officers and."
57 & 58 Vict c 60	The Merchant Shipping Act, 1894.	Sub section (3) of section two hundred and six. The Third Schedule The Ninth Schedule
61 & 62 Vict c 44	The Merchant Shipping (Mercantile Marine Fund) Act, 1898	The First Schedule.

## THE MATRIMONIAL CAUSES ACT, 1923

(13 &amp; 14 Geo. 5, c. 19)

*An Act to amend the Matrimonial Causes Act, 1857*

[18th July, 1923]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Com-

mons in this present Parliament assembled and by the authority of same as follows —

R. b. of  
wife to  
divorce has  
been for  
adultery

1 It shall be lawful for any wife to present a petition to the court praying that her marriage may be dissolved on the ground that her husband has since the celebration thereof and since the passing of this Act been guilty of adultery Provided that nothing contained herein shall affect or take away any right of any wife existing immediately before the passing of this Act

Amendment  
of 20 & -1  
Oct., c. 83.  
27 E

2 The provisions of the Matrimonial Causes Act 1857, set out in the Schedule to this Act are hereby repealed

Short title

3 This Act may be cited as the Matrimonial Causes Act 1923 and shall be construed as one with and may be cited with, the Matrimonial Causes Acts 1857 to 1919

## SCHEDULE

Section twenty seven the words "incestuous adultery or of bigamy" with and the words "or of adultery coupled with such cruelty as, with adultery would have entitled her to a divorce a mensa et thoro or of adultery coupled with desertion without reasonable excuse for two years or upwards" and all the words in the proviso

## THE EAST INDIA LOANS ACT, 1923

(13 & 14 Geo 5, c 31.)

*An Act to empower the Secretary of State in Council of India to raise money in Great Britain for the Service of the Government of India*

[31st July 1923]

Be it enacted by the King & most Excellent Majesty by and with the advice and consent of the Lord Spiritual and Temporal and Common in this present Parliament assembled and by the authority of the same as follow —

1. 111  
2. 6

1 This Act may be cited as the East India Loans Act 1923

2 In this Act the expression "Secretary of State" means the Secretary of State in Council of India and the context otherwise requires

3. It shall be lawful for the Secretary of State at any time or times to raise in Great Britain, as and when necessary, by the creation and issue of capital stock, bonds, debentures, or bills, or partly by one of such modes and partly by another or others, any sum or sums of money not exceeding in the whole fifty million pounds sterling to be applied to—

- (i) the construction, extension, equipment and improvement of railways in India by State agency, or through the agency of a company, or companies under engagement with the Secretary of State,
- (ii) the repayment of the principal of any bonds, debentures, or debenture stock issued by any such company under the guarantee of the Secretary of State,
- (iii) the discharge of any obligations incurred or arising by reason of the purchase by the Secretary of State of any railway constructed or worked in India by any such company, or on the determination of the contract of any such company with the Secretary of State,
- (iv) the construction, extension, equipment, and improvement of irrigation works in India.

4. It shall also be lawful for the Secretary of State at any time or times to raise in Great Britain, as and when necessary, in the manner mentioned in section three of this Act, any sum or sums of money not exceeding in the whole fifteen million pounds sterling for the general purposes of the Government of India

5. All bonds to be issued by the Secretary of State under the authority of this Act shall bear the names of two members of the Council of India, and, by way of counter-signature, the name of the Secretary of State for India, or one of his Under-Secretaries, or his deputy or assistant Under-Secretary, and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest, as the said Secretary of State may think fit, and the names may be impressed or affixed by machinery or otherwise in such manner as the Secretary of State may from time to time direct

6. The power given to the Secretary of State by this Act to raise money by means of stock or other securities shall be deemed to include the power to provide for redemption of stock or securities at a premium, and the power to arrange for giving an option (subject to such conditions and on such terms as he may determine, and with or without payment of any further consideration) to holders of stock or securities to take new stock or securities in lieu thereof and to create stock or securities

mons in this present Parliament assembled and by the authority of same as follows —

*Right of wife to divorce her husband for adultery*

1 It shall be lawful for any wife to present a petition to the court praying that her marriage may be dissolved on the ground that her husband has since the celebration thereof and since the passing of this Act been guilty of adultery Provided that nothing contained herein shall affect or take away any right of any wife existing immediately before the passing of this Act

*Amendment of 20 & 21 Vict., c. 83.*

*27 &*

*Short title*

2 The provisions of the Matrimonial Causes Act 1857, set out in the Schedule to this Act are hereby repealed

3 This Act may be cited as the Matrimonial Causes Act 1923, and shall be construed as one with and may be cited with, the Matrimonial Causes Acts 1857 to 1919

## SCHEDULE

Section twenty seven the words "incestuous adultery or of bigamy *Section 1* with and the words or of adultery coupled with such cruelty as, with adultery would have entitled her to a divorce a mensa et thoro or of adultery coupled with desertion without reasonable excuse for two years or upwards and all the words in the proviso

## THE EAST INDIA LOANS ACT 1923

(13 & 14 Geo 5, c 31.)

*In Let to empower the Secretary of State in Council of India to raise money in Great Britain for the Service of the Government of India*

[31st July, 1923]

Be it enacted by the King & most Excellent Majesty by and with the advice and consent of the Lord Spiritual and Temporal and two houses in this present Parliament assembled and by the authority of the same as follows —

*Section 1*

1 This Act may be cited as the East India Loans Act 1923

*Section 2*

2 In this Act the expression "Secretary of State" means the Secretary of State in Council of India and in the context otherwise requires

3. It shall be lawful for the Secretary of State at any time or times to raise in Great Britain, as and when necessary, by the creation and issue of capital stock, bonds, debentures, or bills, or partly by one of such modes and partly by another or others, any sum or sums of money not exceeding in the whole fifty million pounds sterling to be applied to—

- (i) the construction, extension, equipment and improvement of railways in India by State agency, or through the agency of a company, or companies under engagement with the Secretary of State,
- (ii) the repayment of the principal of any bonds, debentures, or debenture stock issued by any such company under the guarantee of the Secretary of State,
- (iii) the discharge of any obligations incurred or arising by reason of the purchase by the Secretary of State of any railway constructed or worked in India by any such company, or on the determination of the contract of any such company with the Secretary of State,
- (iv) the construction, extension, equipment, and improvement of irrigation works in India.

4. It shall also be lawful for the Secretary of State at any time or times to raise in Great Britain, as and when necessary, in the manner mentioned in section three of this Act, any sum or sums of money not exceeding in the whole fifteen million pounds sterling for the general purposes of the Government of India

5. All bonds to be issued by the Secretary of State under the authority of this Act shall bear the names of two members of the Council of India, and, by way of counter-signature, the name of the Secretary of State for India, or one of his Under-Secretaries, or his deputy or assistant Under-Secretary, and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest, as the said Secretary of State may think fit, and the names may be impressed or affixed by machinery or otherwise in such manner as the Secretary of State may from time to time direct

6. The power given to the Secretary of State by this Act to raise money by means of stock or other securities shall be deemed to include the power to provide for redemption of stock or securities at a premium, and the power to arrange for giving an option (subject to such conditions and on such terms as he may determine, and with or without payment of any further consideration) to holders of stock or securities to take new stock or securities in lieu thereof and to create stock or securities

Power to raise fifty million pounds for constructing, extending and equipping railways in India and irrigation works and for other purposes

Issue of bonds

Power to redeem securities at a premium, etc

for the purpose and any stock or securities surrendered for the purpose of exchange shall be cancelled

Any stock or securities created for the purpose of an exchange under this section shall not be taken into account in calculating the nominal amount of securities authorised to be issued under this Act

<sup>Transfer books of capital stock</sup> 7 In case of the creation and issue of capital stock there shall be kept either at the office of the Secretary of State in London, or at the Bank of England books wherein entries may be made of the said capital stock and wherein assignments or transfers of the same or any part thereof may be entered and registered and may be signed by the parties making such assignments or transfers or if such parties be absent by his her or their attorney or attorneys thereunto lawfully authorised by writing under his her or their hands and seals to be attested by two or more credible witnesses and in each case the person or persons to whom such transfer or transfers shall be made may respectively underwrite his her or their acceptance thereof and no stamp duties whatsoever shall be charged on the said transfers or any of them

Nothing in this section shall affect the provisions of section six of the Government of India (Amendment) Act 1916 with respect to the transfer of India Stock by deed

<sup>Nominal amount of securities to be issued</sup>

8 Subject to the provisions of this Act the nominal amount of the stock bonds debentures or bills issued under this Act shall not exceed the sum of money authorised to be raised by this Act

<sup>Appendix of enactments</sup>

9 Sections five to eleven inclusive sections fourteen to sixteen inclusive and section nineteen of the East India Loan Act 1893 and section five of the East India Loans Act 1908, shall be incorporated with this Act

Provided that—

- (a) the said sections seven and eleven as so incorporated shall have effect as though the words 'at par' were omitted,
- (b) for the purposes of the said section fourteen as so incorporated, the purchase of securities in the market and their subsequent cancellation shall be deemed to be repayment of principal money equal to the nominal amount of the securities purchased

<sup>10</sup> This Act shall not prejudice or affect the power of raising or borrowing money or of creating or issuing securities vested in the Secretary of State at the time of the passing thereof

<sup>11</sup> None of the provisions of the House of Commons (Disqualification) Act 1702 or the House of Commons (Disqualification) Act, 1835 shall be construed as to extend to any subscription or contribution to any loan raised under this Act

**13 & 14 Geo. 5, c. 40.] The Merchant Shipping Acts 509  
(Amendment) Act, 1923**

**14 Geo. 5, c. 5.] The Army and Air Force (Annual) Act, 1924.**

THE MERCHANT SHIPPING ACTS (AMENDMENT) ACT, 1923.

(13 & 14 Geo. 5, c. 40.)

*An Act to amend the Merchant Shipping Acts, 1894 to 1921, with respect to the expenses of the medical attendance of masters and seamen suffering from Venereal Disease*

[2nd August, 1923 ]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. Sub-section (1) of section thirty-four of the Merchant Shipping Amendment Act, 1906 (which relates to the expenses of medical attendance of masters of s 34 (1), and seamen suffering from injuries and illness), shall apply to any case of 6 Edw 7, where the illness from which the master or seaman is suffering is venereal disease, and accordingly that sub-section shall have effect as if the words "venereal disease or" were omitted therefrom c 48

2. (1) This Act may be cited as the Merchant Shipping Acts (Amendment) Act, 1923 and shall be construed as one with the Merchant Shipping Acts, 1894 to 1921, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1923 Short title construction and commencement.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-four

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THE ARMY AND AIR FORCE (ANNUAL) ACT, 1924

(14 Geo. 5, c. 5.)

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ARRANGEMENT OF SECTIONS.

SECTION

- 1 Short title
- 2 Army Act and Air Force Act to be in force for specified times
- 3 Prices in respect of billeting

AMENDMENTS OF ARMY AND AIR FORCE ACTS

*Part I — Amendments of Army Act.*

- 4 Amendment of s 175 of the Army Act
- 5 Amendment of s 189 of the Army Act
- 6 Amendment of s 190 of the Army Act

*Part II—Amendment of Air Force Act*

7 Amendment of s. 189 of the Air Force Act

*Part III—Amendments of Army Act applicable also to the Air Force Act*

8 Amendment of s. 44 of the Army Act

9 Amendment of s. 47 of the Army Act

10 Amendment of s. 174A of the Army Act

11 Application to Air Force

SCHEDULE.

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*An Act to provide during Twelve Months for the Discipline and Regulation of the Army and Air Force*

[10th April 1924]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace unless it be with the consent of Parliament is against law;

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown and that the whole number of such forces should consist of one hundred and sixty-one thousand six hundred including those to be employed at the depot in the United Kingdom for the training of recruits for service at home and abroad but exclusive of the numbers actually serving within His Majesty's Indian possessions;

And whereas under the Air Force (Constitution) Act 1917 His Majesties 7 & 8 Geo. 5, c. 51 entitled to raise and maintain the air force and it is judged by His Majesty that the whole number of such force should consist of thirty five thousand including those employed abroad but exclusive of the number serving abroad and the provisions of the Air Force Act do not expire at the same dates as the provisions of the Army Act;

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possession of the realm that a Royal Naval Marine force should be employed in His Majesty's land and naval service under the direction of the Lord High Admiral of the Royal Navy or the Commanders for executing the office of Lord High Admiral of the Navy;

And whereas the said marine force may frequently be quartered or be on board any vessel or be on board transport ships or vessels or chartership vessels or other by or vessels or they may be under

other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm, yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subjected to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty-four on the following days —

- (a) in Great Britain and Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April, and
- (b) elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1 This Act may be cited as the Army and Air Force (Annual) Act, Short title.  
1924

2. (1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say) —

- (a) Within Great Britain and Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and twenty-four, to the thirtieth day of April, one thousand nine hundred and twenty-five, both inclusive, and
- (b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and twenty-four, to the thirty-first day of July, one thousand nine hundred and twenty-five, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions

(c) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned

Prices in  
respect of  
bulletins

3 There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act

#### AMENDMENTS OF ARMY AND AIR FORCE ACTS

##### Part I — Amendment of Army Act

Amendment  
of s. 175  
of the Army  
Act

4 In paragraph (9) of section one hundred and seventy five of the Army Act (which relates to persons subject to military law as officers) for the words ' Indian army reserve ' there shall be substituted the words ' Indian army reserve of officers or the Army in India reserve of officers '

Amendment  
of s. 189  
of the Army  
Act

5 The following sub-section shall be inserted at the end of section one hundred and eighty nine of the Army Act (which relates to the interpretation of the term ' on active service ') —

(6) Where any such forces so serving out of His Majesty's Dominions are under the command of an air officer the powers exercisable under this section by a general officer or colonel commandant shall be exercisable by such air officer and this section shall apply accordingly

Amendment  
of s. 189  
of the Army  
Act

6 The following paragraph shall be inserted at the end of paragraph (1) of section one hundred and ninety of the Army Act (which relates to the interpretation of terms in that Act) —

(3a) The expression ' colonel commandant ' includes a colonel not below the rank of colonel commandant

##### Part II — Amendment of Air Force Act

Amendment  
of s. 189  
of the Air  
Force Act

7 The following sub-section shall be inserted at the end of section one hundred and eighty nine of the Air Force Act (which relates to the interpretation of the term ' on active service ') —

(11) Where any such part of His Majesty's Air Force so serving out of His Majesty's Dominions is under the command of a general officer or colonel commandant the powers exercisable under this section by an air officer shall be exercisable by such general officer or colonel commandant and this section shall apply accordingly

*Part III—Amendments of Army Act applicable also to the Air Force Act*

8. In proviso (11) to section forty-four of the Army Act (which relates to the scale of punishments by court-martial), for the words "military <sup>of s 44</sup> decoration or military reward" there shall be substituted the words <sup>of the Army</sup> "naval, military or air-force decoration or naval, military or air-force reward"

9. In sub-section (1) of section forty-seven of the Army Act (which relates to the power to deal summarily with charges against officers and warrant officers) for the words "the General" there shall be substituted the words "the General or Air"

10. In section one hundred and seventy-four A of the Army Act (which relates to the use of recreation rooms without licence), after the words "Disorderly Houses Act, 1751" there shall be inserted the words "or in any similar enactment contained in any other Act whether general or local or personal"

11. References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of this Part of this Act shall, in their application to the Air Force Act, have effect as if for the words "military decoration or military reward" there were substituted the words "air-force decoration or air-force reward"

### SCHEDULE

#### (SECTION 3 )

Accommodation to be provided	Maximum price
Lodging and attendance for soldier where meals furnished	Tenpence per night for the first soldier and eightpence per night for each additional soldier
Breakfast as specified in Part I of the Second Schedule to the Army and Air Force Acts	Sevenpence each
Dinner as so specified	Tenpence
Supper as so specified	Fourpence
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire and the necessary utensils for dressing and eating his meat	Tenpence per night for the first soldier and eightpence per night for each additional soldier
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse	One shilling and sevenpence per day
Stable room without forage	Sixpence per day
Lodging and attendance for officer	Three shillings per night

NOTE—An officer shall pay for his food

## THE TREATY OF PEACE (TURKEY) ACT, 1924

(14 Geo 5, c 7)

*In Act to carry into effect a Treaty of Peace between His Majesty and certain other Powers and certain conventions, protocols, and declarations connected therewith*

[10th April, 1924]

WHEREAS at Lausanne on the twenty fourth day of July, nineteen hundred and twenty three a Treaty of Peace with Turkey, and the conventions, protocols and declaration mentioned in Part I of the Schedule to this Act were signed on behalf of His Majesty and in connection with the said Treaty the further convention and protocol mentioned in Part II of that Schedule was signed at Paris on the twenty third day of November nineteen hundred and twenty three

And whereas copies of the said Treaty, conventions, protocols and declaration have been laid before each House of Parliament and it is expedient that His Majesty should have power to do all such things as may be proper and expedient for giving effect thereto

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled and by the authority of the same as follows —

*Power of His Majesty to make such appointments, establish such offices, make such Orders in Council and do such things as appear to him to be necessary for carrying out the said Treaty, conventions, protocols and declaration and for giving effect to any of the provisions thereof*

(1) Any Order in Council made under this Act may provide for the implementation by summary process or otherwise of penalties in respect of breach of the provision thereof and for conferring on courts within His Majesty's dominions jurisdiction in case where under the Convention respecting Collection of Residence and Buoyage and Jurisdiction such court are alone to have jurisdiction

(2) Every such Order in Council shall be laid before Parliament as soon as may be after it is made and shall have effect as if enacted in this Act but may be varied or revoked by a subsequent Order in Council and shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act 1843.

It is enacted that if an Alteration is presented to His Majesty by either House of Parliament within the next twenty-one days on which that House has sat after any Order in Council made under this Act has been published praying that the Order or any part thereof may be annulled His Majesty in Council may annul the Order or such part thereof and it

shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(4) Any expenses incurred in carrying out the said Treaty, conventions, protocols and declaration shall be defrayed out of moneys provided by Parliament.

2. This Act may be cited as the Treaty of Peace (Turkey) Act, 1924 Short title.

## SCHEDULE

### PART I

#### CONVENTIONS, PROTOCOLS, AND DECLARATION CONNECTED WITH THE TREATY OF PEACE WITH TURKEY SIGNED AT LAUSANNE

- I Convention respecting the Régime of the Straits
- II Convention respecting the Thracian Frontiers
- III Convention respecting Conditions of Residence and Business and Jurisdiction
- IV Commercial Convention
- V Amnesty Declaration and Protocol
- VI Protocol relating to certain Concessions granted in the Ottoman Empire
- VII Protocol relating to the accession of Belgium and Portugal to certain provisions of Instruments signed at Lausanne
- VIII Protocol relating to the Evacuation of the Turkish territory occupied by the British, French and Italian Forces
- IX. Protocol relating to the Karagatch territory and to the islands of Imbros and Tenedos
- X. Protocol relating to the Treaty, concluded at Sèvres between the Principal Allied Powers and Greece on the 10th August 1920, concerning the Protection of Minorities in Greece, and to the Treaty relating to Thrace concluded on the same day between the same Powers
- XI Protocol relating to signature by the Serb-Croat-Slovene State

### PART II

#### CONVENTION AND PROTOCOL SIGNED AT PARIS

Convention relating to the Assessment and Reparation of Damage suffered in Turkey by the Nationals of the contracting Powers and the Protocol annexed thereto.

## THE TRADE FACILITIES ACT, 1924

(14 &amp; 15 Geo. 5, c. 8)

An Act to amend the Trade Facilities Acts 1921 and 1922, to authorise the Treasury to contribute towards the interest payable on certain loans the application of which is calculated to promote employment in the United Kingdom to extend the periods during which guarantees may respectively be given and remain in force under the Overseas Trade Acts 1920 to 1922, and to amend section three of the Trade Facilities and Loans Guarantee Act 1922 (Session 2)

[15th May 1924]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same, as follows —

1 (1) The maximum limit<sup>1</sup> on the aggregate capital amount of the loans the principal or interest of which may be guaranteed under subsection (1) of section one of the Trade Facilities Act 1921 as amended by the Trade Facilities and Loans Guarantee Act 1922 (Session 2) shall be increased from fifty million pounds to sixty five million pounds.

(2) The power to give guarantees under the said section one may be exercised at any time up to and including the thirty first day of March nineteen hundred and twenty five.

2 (1) If the Treasury are satisfied—

(a) that the proceeds of any loan to which this section applies are to be applied by way of capital expenditure on or in connection with a public utility undertaking in some part of His Majesty's Dominions in accordance with a scheme approved by the Government of that part of His Majesty's Dominions and

(b) that the expenditure involved in the scheme is in anticipation of expenditure which would normally have been incurred at a later date, and

(c) that the application of the proceeds of the loan in the manner proposed is calculated to promote employment in the United Kingdom

the Treasury may subject to the provisions of this section, undertake to pay to the said Government an amount not exceeding three-quarters of

<sup>1</sup> The limit has been raised to seventy million pounds by s. 1 of 15 Geo. 5 c. 13 infra

The period has been extended by one year

any interest payable in the first five years of the currency of the loan in respect of such portion of the loan as is to be expended in the United Kingdom, so, however, that the amount payable by the Treasury under this section shall not exceed one million pounds in any one year or five million pounds in all.

(2) The loans to which this section apply are loans to be raised in the United Kingdom either by the Government of any part of His Majesty's Dominions, or by a local authority in any part of His Majesty's Dominions or by any body of persons constituted for the purpose of carrying out a public utility undertaking.

(3) No undertaking shall be given by the Treasury under this section after the expiration of three years from the commencement of this Act or in respect of a loan to be raised thereafter.

(4) Such sums as may from time to time be required by the Treasury for fulfilling any undertaking given under this section shall be paid out of moneys provided by Parliament.

(5) The Treasury shall, as soon as may be after the expiration of each year during which undertakings may be given under this section, lay before both Houses of Parliament a statement of the amounts payable under the undertakings given under this section during that year, together with particulars of the purposes to which the loans were to be applied.

(6) In this section the expression "public utility undertaking" means an undertaking for providing or improving communications, drainage or irrigation, or for providing power, lighting or water, and references to any part of His Majesty's Dominions shall include references to any territory which is under His Majesty's protection.

3. (1) The powers of the Board of Trade under the Overseas Trade Extension Acts, 1920 to 1922, with respect to the giving of guarantees may be exercised in the case of new guarantees at any time up to and including the eighth day of September, nineteen hundred and twenty-six, and the period during which guarantees given under the said Acts (including renewed guarantees) may remain in force shall be extended so as to expire on the eighth day of September, nineteen hundred and thirty.

of periods  
during  
which  
guarantees  
may  
be given and  
remain in  
force under  
Overseas  
Trade Acts,  
1920 to 1922

1 & 12 Geo. 5, c. 26  
1 & 12 Geo. 5, c. 65

(2) In sub-section (1) of section one of the Overseas Trade (Credits and Insurance) Amendment Act, 1921, the words from "(a) the powers" to "and (b)," and in sub-section (2) of section two of the Trade Facilities Act, 1921, the words from "in proviso (a)" to "by the amending Act" and the words from "so long as" to the end of the sub-section, are hereby repealed.

(3) The Overseas Trade Acts, 1920 to 1922, and this section may be cited together as the Overseas Trade Acts, 1920 to 1924.

*The Auxiliary Air Force and Air Force Reserve Act 1924*

Amendment  
of section  
3 of 13 Geo  
5, c 4

4. Section three of the Trade Facilities and Loans Guarantee Act, 1922 (Session 2), which authorises the Treasury to guarantee the payment of the principal of and the interest on a loan to be raised by the Government of the Soudan for certain purposes not exceeding in the aggregate an amount sufficient to raise three million five hundred thousand pounds shall have effect as though the sum of seven million pounds were therein substituted for the sum of three million five hundred thousand pounds.

Short title.

5 This Act may be cited as the Trade Facilities Act, 1924, and the Trade Facilities Acts 1921 and 1922 and sections one and two of this Act may be cited together as the Trade Facilities Acts, 1921 to 1924.

**THE AUXILIARY AIR FORCE AND AIR FORCE RESERVE ACT, 1924**

(14 & 15 Geo 5, c 15.)

*An Act to make further provision as to the organisation and conditions of service of the Auxiliary Air Force and Air Force Reserve and for purposes connected therewith*

[14th July, 1924.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows —

Constitution  
of county  
joint  
associations  
and auxiliary  
airforce asso-  
ciations.

1. The power of His Majesty under section six of the Air Force (Constitution) Act 1917 (in this Act referred to as "the principal Act"), to apply by Order in Council to the auxiliary air force or to the officers and men of that force any of the enactments relating to the territorial army or the officers and men of that army shall be extended so as to include power to apply Part I of the Territorial and Reserve Forces Act 1907, to the auxiliary air force and to the officers and men of that force and also to the territorial army and to the officers and men of that army with such modifications as may be necessary—

(1) (a) to provide for the establishment and constitution of a county joint association under the said Part I which shall as respects the county exercise the powers and perform the duties of an association under the said Part in relation both to the territorial army and to the auxiliary air force, and to

provide for the application of the provisions of that Part with respect to the Army Council, to army services and to the territorial army, to the Army Council and Air Council or either of them, to army and air force services or either of them and to the territorial army and the auxiliary air force, or either of them, respectively;

(b) to define the relations and responsibilities of any such county joint association to the Army Council and the Air Council respectively, and

(2) to provide for the establishment and constitution for any areas which in the opinion of the Air Council cannot suitably be administered through county joint associations constituted under the preceding paragraph, of auxiliary air force associations, and

(3) to provide for the termination of county joint associations either generally or in special cases, and on such termination for the establishment of associations constituted under the Territorial and Reserve Forces Act, 1907, or of auxiliary air force associations, and

(4) to provide for the transfer and adjustment of any powers, duties, assets and liabilities on the establishment or termination of county joint associations

2. The aforesaid power of His Majesty under section six of the principal Act shall be extended so as to include power to apply any enactments referred to in that section to the auxiliary air force, or to the officers or men of that force, with such modifications as may be necessary to make it a condition, on the acceptance of a commission as an officer or on the enlistment of a man in the auxiliary air force, that the person so commissioned or enlisted shall enter into an agreement to accept as an obligation the liability (whether or not the army or air force reserve is called out on permanent service) to be called out and to serve within the British Islands in defence of the British Islands against actual or apprehended attack, and to provide accordingly for the application of the provisions of section twenty of the Territorial and Reserve Forces Act, 1907, with the necessary modifications, to any such man who fails to fulfil such obligations as aforesaid

Conditions of service of auxiliary air force

3. The power of His Majesty under section six of the principal Act to apply by Order in Council to the air force reserve or to the officers and men of the air force reserve any of the enactments relating to the army reserve or to the officers and men of the army reserve shall be extended so as to include power to apply any of those enactments to the air force

Conditions of service of air force reserve

reserve or to the officers or men thereof with such modifications as may be necessary—

- (1) to provide that notwithstanding anything contained in subsection (1) of section thirty of the Territorial and Reserve Forces Act 1907 men may be enlisted into the air force reserve either as reservists or as special reservists, whether or not such men have served in the regular air force, and
- (2) to make it a condition on the enlistment of a man in the regular air force or the air force reserve after the date of the order that he shall accept as an obligation the liability during his service in the reserve whether or not the army or air force reserve is called out on permanent service to be called out and to serve within the British Islands in defence of the British Islands against actual or apprehended attack and to provide that any man of the regular air force enlisted before the date of the order who may after that date be transferred to the air force reserve or any man in the air force reserve at that date may agree in writing to accept as an obligation such liability as aforesaid and
- (3) to provide that a man who is liable to be called out and to serve in the circumstances mentioned in this section shall when called out for such service be deemed to have been called out on permanent service and to be subject to the Air Force Act accordingly and
- (4) to provide for the enlistment of men into the air force reserve as special reservists with a liability to serve within the limits of the British Islands only

**4.** An Order in Council made in pursuance of any of the foregoing provisions of this Act may make such supplemental and consequential modifications (if any) of the provisions of the Reserve Forces Acts 1882 to 1907 and the Territorial and Reserve Forces Act 1907, including the provisions as to the service and publication of notices and contain such supplemental and consequential provisions as may appear to His Majesty in Council to be necessary or expedient

**5** (1) It shall be lawful for His Majesty by Order in Council declaring that a case of emergency exists to order a Secretary of State to give and when given to revoke or vary such directions as may seem necessary or proper for calling out to serve within the British Islands in defence of the British Islands against actual or apprehended attack all or any of the officers and men of the auxiliary air force or air force reserve who in pursuance of this Act are liable to be called out and to serve as aforesaid

(2) All directions given in pursuance of such order shall be obeyed as if enacted in this Act and every officer and man for the time being called

*Power to  
make sup-  
plemental  
modifications.*

*Calling out  
for service  
in defence  
and termina-  
tion of such  
service.*

out by such directions shall attend at the place and time fixed by those directions.

(3) It shall be lawful for His Majesty by Order in Council to declare that a case of emergency no longer exists, and thereupon the Secretary of State shall give such directions as may seem necessary or proper for terminating the service under this section of the officers and men of the auxiliary air force and air force reserve.

(4) Until any such Order in Council as is mentioned in the last preceding sub-section has been made, the Secretary of State may from time to time as he may think expedient for the public service, give such directions as may seem necessary or proper for dispensing with the service under this section of any officers and men of the auxiliary air force or the air force reserve and for calling out any officers or men of that force or that reserve to serve under this section whether the service under this section of such officers or men has been previously dispensed with or not.

6. (1) This Act may be cited as the Auxiliary Air Force and Air Force Reserve Act, 1924

Short title,  
savings,  
and inter-

(2) Except as otherwise expressly provided, nothing in this Act shall affect any power of His Majesty by Order in Council to apply to the air force reserve or to the auxiliary air force or to the officers or men of those forces any enactments relating to the army reserve or to the territorial army or to the officers or men of the army reserve or the territorial army.

(3) The powers conferred by this Act with respect to the conditions on the acceptance of commission in the auxiliary air force or the enlistment of men in the auxiliary air force or the air force reserve shall be without prejudice to any other power conferred under or by virtue of any Act or Order in Council to give directions for the embodying of the auxiliary air force or the calling out on permanent service of the air force reserve.

(4) In this Act—

- (i) references to the British Islands shall be construed as exclusive of the Irish Free State,
- (ii) reference to the Reserve Forces Act, 1882, and to the Territorial and Reserve Forces Act, 1907, shall be construed as references to those Acts as amended by any subsequent enactment.

(5) For the purposes of this Act and of any orders made thereunder and of any enactments as applied or adapted by any such order, service on any flight of which the points of departure and intended return are within the British Islands or the territorial waters thereof, shall be deemed to be service within the British Islands notwithstanding that the flight may in its course extend beyond those limits.

THE CARRIAGE OF GOODS BY SEA ACT 1924

(14 & 15 Geo 5, c 22.)

ARRANGEMENT OF SECTIONS

SECTION

- 1 Application of Rules in Schedule
- 2 Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply
- 3 Statement as to application of Rules to be included in bills of lading
- 4 Modification of Article VI of Rules in relation to coasting trade
- 5 Modification of Rules 4 and 5 of Article III in relation to bulk cargoes
- 6 Short title saving and operation

*An Act to amend the law with respect to the carriage of goods by sea*

[1st August 1924]

WHEREAS at the International Conference on Maritime Law held at Brussels in October 1922 the delegates at the Conference including the delegates representing His Majesty agreed unanimously to recommend their respective Governments to adopt as the basis of a convention a draft convention for the unification of certain rules relating to bills of lading

And whereas at a meeting held at Brussels in October 1923 the rules contained in the said draft convention were amended by the Committee appointed by the said Conference

And whereas it is expedient that the said rules as so amended and as set out with modifications in the Schedule to this Act (in this Act referred to as 'the Rules') should subject to the provisions of this Act be given the force of law with a view to establishing the responsibilities liabilities rights and immunities attaching to carriers under bills of lading

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

1. Subject to the provisions of this Act the Rules shall have effect in relation to and in connection with the carriage of goods by sea in ships

14 & 15 Geo. 5, c. 22.] *The Carriage of Goods by Sea Act, 1923*

carrying goods from any port in Great Britain or Northern Ireland to any other port whether in or outside Great Britain or Northern Ireland

2. There shall not be implied in any contract for the carriage of goods by sea to which the Rules apply any absolute undertaking by the carrier of the goods to provide a sea-worthy ship

Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply

3. Every bill of lading, or similar document of title, issued in Great Britain or Northern Ireland which contains or is evidence of any contract to which the Rules apply shall contain an express statement that it is to have effect subject to the provisions of the said Rules as applied by this Act

4. Article VI of the Rules shall, in relation to the carriage of goods by sea in ships carrying goods from any port in Great Britain or Northern Ireland to any other port in Great Britain or Northern Ireland or to a port in the Irish Free State, have effect as though the said Article referred to goods of any class instead of to particular goods and as though the proviso to the second paragraph of the said Article were omitted

5. Where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper and the fact that the weight so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in the Rules, the bill of lading shall not be deemed to be *prima facie* evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper

6 (1) This Act may be cited as the Carriage of Goods by Sea Act, 1924

Short title, saving, and operation.

(2) Nothing in this Act shall affect the operation of sections four hundred and forty-six to four hundred and fifty, both inclusive, five hundred and two, and five hundred and three of the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or the operation of any other enactment for the time being in force limiting the liability of the owners of seagoing vessels

(3) The Rules shall not by virtue of this Act apply to any contract for the carriage of goods by sea made before such day, not being earlier than the thirtieth day of June, nineteen hundred and twenty-four, as His Majesty may by Order in Council direct, nor to any bill of lading or similar document of title issued, whether before or after such day as aforesaid, in pursuance of any such contract as aforesaid

shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper

6 Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage or if the loss or damage be not apparent within three days such removal shall be *prima facie* evidence of the delivery by the carrier of the goods as described in the bill of lading

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods

7 After the goods are loaded the bill of lading to be issued by the carrier master or agent of the carrier to the shipper shall if the shipper so demands be a "shipped" bill of lading provided that if the shipper shall have previously taken up any document of title to such goods he shall surrender the same as against the issue of the "shipped" bill of lading but at the option of the carrier such document of title may be noted at the port of shipment by the carrier master or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment and when so noted the same shall for the purpose of this Article be deemed to constitute a "shipped" bill of lading

8 Any clause covenant or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with goods arising from negligence fault or failure in the duties and obligations provided in this Article or lessening such liability otherwise than as provided in these Rules shall be null and void and of no effect

A benefit of insurance or similar clause shall be deemed to be a clause relieving the carrier from liability

#### ARTICLE IV

##### RIGHTS AND IMMUNITIES

1 Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of

due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped and supplied, and to make the holds, refrigerating and cool chambers and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation in accordance with the provisions of paragraph 1 of Article III.

Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this section.

2 Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from—

- (a) Act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship
- (b) Fine, unless caused by the actual fault or privity of the carrier
- (c) Perils, dangers and accidents of the sea or other navigable waters
- (d) Act of God
- (e) Act of war
- (f) Act of public enemies
- (g) Arrest or restraint of princes, rulers or people, or seizure under legal process
- (h) Quarantine restrictions
- (i) Act or omission of the shipper or owner of the goods, his agent or representative
- (j) Strikes or lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general
- (k) Riots and civil commotions
- (l) Saving or attempting to save life or property at sea
- (m) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods
- (n) Insufficiency of packing
- (o) Insufficiency or inadequacy of marks
- (p) Latent defects not discoverable by due diligence
- (q) Any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show

that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage

3 The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act fault or neglect of the shipper his agents or his servants

4 Any deviation in saving or attempting to save life or property at sea or any reasonable deviation shall not be deemed to be an infringement or breach of these Rules or of the contract of carriage and the carrier shall not be liable for any loss or damage resulting therefrom

5 Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding 100/- per package or unit or the equivalent of that sum in other currency unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading

This declaration if embodied in the bill of lading shall be *prima facie* evidence but shall not be binding or conclusive on the carrier

By agreement between the carrier master or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed provided that such maximum shall not be less than the figure above named

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly misstated by the shipper in the bill of lading

6 Goods of an inflammable explosive or dangerous nature to the shipment whereof the carrier master or agent of the carrier, has not consented with knowledge of their nature and character may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment

If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any

## ARTICLE V

### SURRENDER OF RIGHTS AND IMMUNITIES AND INCREASE OF RESPONSIBILITIES AND LIABILITIES

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities

ties and liabilities under the Rules contained in any of these Articles, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper

The provisions of these Rules shall not be applicable to charterparties, but if bills of lading are issued in the case of a ship under a charter-party they shall comply with the terms of these Rules. Nothing in these Rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

## ARTICLE VI

### SPECIAL CONDITIONS

Notwithstanding the provisions of the preceding Articles, a carrier, master or agent of the carrier, and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness, so far as this stipulation is not contrary to public policy, or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect.

Provided that this Article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed, are such as reasonably to justify a special agreement.

## ARTICLE VII

### LIMITATIONS ON THE APPLICATION OF THE RULES

Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

## ARTICLE VIII

### LIMITATION OF LIABILITY

The provisions of these Rules shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of sea going vessels

## ARTICLE IX

The monetary units mentioned in these Rules are to be taken to be gold value

### THE GOVERNMENT OF INDIA (LEAVE OF ABSENCE) ACT 1924

(14 & 15 Geo 5, c 28)

An Act to make provision with respect to leave of absence from India of the Governor-General Commander in-Chief Governors and members of Executive Councils, and with respect to the Appointment of Commander in-Chief

[1st August 1924]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows —

Amendment of ss. 86 and 87 of the Government of India Act.  
1. For sections eighty six and eighty seven of the Government of India Act there shall be substituted the following sections —

Power to grant leave of absence to Governor General, &c.  
86 (1) The Secretary of State in Council may grant to the Governor General and on the recommendation of the Governor General in Council to the Commander in-Chief leave of absence for urgent reasons of public interest or of health or of private affairs

(2) The Secretary of State in Council may on the recommendation of the Governor General in Council grant to a Governor, and the Governor General in Council or a Governor in Council or a Lieutenant-Governor in Council as the case may be grant to any member of his Executive Council (other than the Commander in Chief) leave of absence for urgent reasons of health or of private affairs

(3) Leave of absence shall not be granted to any person in pursuance of this section for any period exceeding four months nor more than once during his tenure of office

Provided that the Secretary of State in Council may if he thinks fit extend any period of leave so granted but in any such case the reasons

for the extension shall be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament

(4) Where leave of absence is granted to any person in pursuance of this section, he shall retain his office during the period of leave as originally granted, or, if that period is extended by the Secretary of State in Council, during the period so extended, but, if his absence exceeds that period, his office shall be deemed to have become vacant in the case of a person granted leave for urgent reasons of public interest as from the termination of that period and in any other case as from the commencement of his absence

(5) Where a person obtains leave of absence in pursuance of this section, he shall be entitled to receive during his absence such leave-allowances as may be prescribed by rules made by the Secretary of State in Council, but, if he does not resume his duties upon the termination of the period of the leave, he shall, unless the Secretary of State in Council otherwise directs, repay, in such manner as may be so prescribed as aforesaid, any leave-allowances received under this sub-section

(6) If the Governor General or the Commander-in-Chief is granted leave for urgent reasons of public interest, the Secretary of State in Council may, in addition to the leave-allowances to which he is entitled under this section, grant to him such further allowances in respect of travelling expenses as the Secretary of State in Council may think fit

(7) Rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made

87 (1) Where leave is granted in pursuance of the foregoing section to the Governor General, or to the Commander-in-Chief, or to a Governor, a person shall be appointed to act in his place during his absence, and the appointment shall be made by His Majesty by warrant under the Royal Sign Manual. The person so appointed during the absence of the Commander-in-Chief may, if the Commander-in-Chief was a member of the Executive Council of the Governor-General, be also appointed by the Governor-General in Council to be a temporary member of that Council.

(2) The person so appointed shall, until the return to duty of the permanent holder of the office, or, if he does not return, until a successor arrives, hold and execute the office to which he has been appointed and shall have and may exercise all the rights and powers thereof and shall be entitled to receive the emoluments and advantages appertaining to the office, forego the emoluments and advantages (if any) to which he was entitled at the time of his being appointed to that office

(3) When during the absence on leave of the Governor General a Governor is appointed to act in his place, the provisions of this section relating to the appointment of a person to act in the place of a Governor to whom leave of absence has been granted in pursuance of the foregoing

The Expiring Laws Continuance Act, 1924 [15 Geo 5, c 1.]

section shall apply in the same manner as if leave of absence had been so granted to the Governor.

Amendment  
of s 92 of  
Government  
of India Act.  
2. For sub-section (4) of section ninety two of the Government of India Act, there shall be substituted the following sub-sections —

- (4) Until the return to duty of the member so incapable or absent the person temporarily appointed shall hold and execute the office to which he has been appointed and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office foregoing the emoluments and advantages (if any) to which he was entitled at the time of his being appointed to that office
- (4a) When a member of an Executive Council is by infirmity or otherwise rendered incapable of acting or attending to act as such and a temporary member of council is appointed in his place the absent member shall be entitled to receive half his salary for the period of his absence

Appointment  
of Comman-  
der in-Chief  
3. At the beginning of section nineteen of the Government of India Act the following sub-section shall be inserted —

- (1) The Commander in-Chief of His Majesty's forces in India is appointed by His Majesty by warrant under the Royal Sign Manual

Short title,  
construction,  
and printing  
4. (1) This Act may be cited as the Government of India (Leave of Absence) Act 1924

(2) Sub-section (2) of section forty five of the Government of India Act 1919 which relates to the effect of amendments to and the printing of the Government of India Act shall have effect as if it were herein re-enacted and in terms made applicable to the amendments effected by this Act

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THE EXPIRING LAWS CONTINUANCE ACT, 1924

(15 Geo 5, c 1.)

An Act to continue certain expiring laws

[18th December, 1924.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire as respects the Acts mentioned in Parts I and II of that Schedule on the thirty first day of December, nineteen hundred and twenty four, and the fifteenth day of February, nineteen hundred and twenty five

respectively, and as respects the Acts mentioned in Part III of that schedule on the thirty-first day of March, nineteen hundred and twenty-five

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts and of the enactments amending or affecting the same

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. (1) The Acts mentioned in Parts I and II of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December, nineteen hundred and twenty-five, and shall then expire, unless further continued

(2) The Acts mentioned in Part III of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of March, nineteen hundred and twenty-six, and shall then expire, unless further continued

(3) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not

<sup>13 & 14 Geo 5, c. 39.</sup> Provided that nothing in this sub-section shall be deemed to continue the Agricultural Rates Act, 1923

2. (1) This Act may be cited as the Expiring Laws Continuance Act, 1924

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Ireland

## SCHEDULE.<sup>1</sup>

### PART III.

1	2	3	4
Session and Chapter	Short Title	How far continued.	Amending Acts
*	a	*	*
9 & 10 Geo 5, c 92 <sup>(15)</sup>	The Allens Restriction (Amendment) Act 1919	Section one	.

<sup>1</sup> The portion of this Schedule omitted relate to Statutes which do not apply to India

## THE TRADE FACILITIES ACT, 1925

(15 Geo 5, c 13)

*An Act to amend the Trade Facilities Acts, 1921 to 1924 by increasing the maximum limit of the loans in respect of which guarantees may be given under those Acts and by extending the period within which such guarantees may be given*

[27th March, 1925]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same as follows —

Increase of amount of loans which may be guaranteed under 11 & 12 Geo 5 c. 65, and extension of period for giving guarantees.

1. (1) The maximum limit on the aggregate capital amount of the loans the principal or interest of which may be guaranteed under subsection (1) of section one of the Trade Facilities Act 1921<sup>1</sup> as amended by any other enactment shall be increased from sixty five million pounds to seventy million pounds

(2) The period within which guarantees may be given under the said section one (which period as now limited will expire on the thirty first day of March nineteen hundred and twenty five) shall be extended by one year

2 This Act may be cited as the Trade Facilities Act, 1925 and the Trade Facilities Acts 1921 to 1924 and this Act may be cited together as the Trade Facilities Acts 1921 to 1925

## THE ARMY AND AIR FORCE (ANNUAL) ACT, 1925

(15 Geo 5, c 25)

## ARRANGEMENT OF SECTIONS

## SECTION

- 1 Short title
- 2 Army Act and Air Force Act to be in force for specified times
- 3 Prices in respect of billeting

AMENDMENTS OF ARMY AND AIR FORCE ACTS.

PART I.

*Amendments of Army Act applicable also to the Air Force Act.*

SECTION

- 4 Abolition of death penalty in certain cases.
- 5 Amendment of s 18 of Army Act
- 6 Amendments of s 46 of Army Act.
- 7 Amendment of s 47 of Army Act.
- 8 Amendment of s 57 of Army Act
9. Amendment of s 71 of Army Act
- 10 Amendment of provisions as to impressment of carriages.
- 11 Amendment of s 137 of Army Act
- 12 Amendment of s 138 of Army Act
- 13 Amendment of s 163 of Army Act
- 14 Printing of Army Act
- 15 Application to air force.

PART II.

*Amendments of Army Act*

16. Amendment of ss 183 & 190 of Army Act.
- 17 Definition of "corps."

PART III.

*Amendments of Air Force Act*

- 18 Amendment of ss 44, 46 & 138 of Air Force Act
19. Amendment of s 87 of Air Force Act
20. Amendment of provisions as to billeting.
- 21 Amendment of s 175 of Air Force Act.

SCHEDULES

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*An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force*

[29th April, 1925.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law.

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety

of the United Kingdom and the defence of the possessions of His Majesty's Crown and that the whole number of such forces should consist of one hundred and sixty thousand six hundred, including those to be employed at the depôts in the United Kingdom for the training of recruits for service at home and abroad but exclusive of the numbers actually serving within His Majesty's Indian possessions

And whereas under the Air Force (Constitution) Act 1917<sup>1</sup> His 7 & 8 C.M.<sup>2</sup> His 51  
Majesty is entitled to raise and maintain the air force and it is judged necessary that the whole number of such forces should consist of thirty six thousand including those employed as aforesaid but exclusive of the numbers serving as aforesaid and the provisions of the Air Force Act are due to expire at the same dates as the provisions of the <sup>3</sup>Army Act

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid

And whereas the said marine forces may frequently be quartered or be on shore or sent to do duty or be on board transport ships or vessels merchant ships or vessels or other ships or vessels or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law or in any other manner than by the judgment of his peers and according to the known and established laws of this realm yet nevertheless it being requisite for the retaining all the before-mentioned forces and other persons subject to military law or to the Air Force Act, in their duty that on exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition or desert His Majesty's service or are guilty of crimes and offences to the prejudice of good order and military or air force discipline be brought to a more exemplary and speedy punishment than the usual forms of the law will allow

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty five on the following days —

- (a) in Great Britain and Ireland the Channel Islands, and the Isle of Man on the thirtieth day of April and
- (b) elsewhere whether within or without His Majesty's dominions on the thirty first day of July

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<sup>1</sup> *Supra.*  
<sup>2</sup> See Vol. I of this publication.

Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

**1.** This Act may be cited as the Army and Air Force (Annual) Act, Short title. 1925

**2.** (1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say) —

(a) Within Great Britain and Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and twenty-five, to the thirtieth day of April, one thousand nine hundred and twenty-six, both inclusive, and

(b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and twenty-five, to the thirty-first day of July, one thousand nine hundred and twenty-six, both inclusive

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

**3.** There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the First Schedule to this Act.

#### AMENDMENTS OF ARMY AND AIR FORCE ACTS.

##### PART I

###### *Amendments of Army Act applicable also to the Air Force Act.*

**4.** For the purpose of abolishing death as a penalty for certain offences committed not on active service the following amendments shall be made in the Army Act —

(1) In sub-section (1) of section six, paragraphs (e), (f) and (j) shall be omitted,

(2) In sub-section (2) of section six, the following paragraphs shall be inserted after paragraph (b)

" or "

- (c) Impedes the provost marshal or any assistant provost marshal or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost marshal, or when called on, refuses to assist in the execution of his duty the provost marshal, assistant provost marshal, or any such officer, non-commissioned officer, or other person or
- (d) Does violence to any person bringing provisions or supplies to the forces, or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving or
- (e) Irregularly detains or appropriates to his own corps, battalion or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect,

3) In sub-section (1) of section eight after the words 'court martial' there shall be inserted the words 'if he commits such offence on active service' and after the word "mentioned" there shall be inserted the words 'and if he commits such offence not on active service be liable to suffer penal servitude or such less punishment as is in this Act mentioned'

(4) In sub-section (1) of section nine after the words 'court martial' there shall be inserted the words 'if he commits such offence on active service' and after the word 'mentioned' there shall be inserted the words "and if he commits such offence not on active service be liable to suffer penal servitude or such less punishment as is in this Act mentioned"

*Amendment  
of s. 18 of  
Army Act.*

5 The following amendments shall be made in section eighteen of the Army Act (which relates to disgraceful conduct) —

- (1) For the word 'soldier' where that word first occurs there shall be substituted the words 'person subject to military law,'
- (2) The following paragraph shall be substituted for paragraph (2) —
- "(2) Wilfully maims or injures himself or any other person subject to military law whether at the instance of that person or not with intent thereby to render himself or that person unfit for service or causes himself to be maimed or injured by any person with intent thereby to render himself unfit for service or"

(3) In paragraph (4) for the words "comrade or of an officer" there shall be substituted the words "person subject to military law."

6. The following amendments shall be made in section forty-six of Amendments the Army Act (which relates to the power of a commanding officer).— <sup>of s. 46 of</sup> <sub>Army Act</sub>

(i) in paragraph (b) of sub-section (2) the words "any other punishment" shall be substituted for the word "detention",

(ii) the following paragraph shall be inserted after paragraph (d) of sub-section (2) —  
"and

(e) in addition to or without any other punishment may award such other minor punishment as he is for the time being authorised to award, so however that a minor punishment shall not be awarded for any offence for which detention exceeding seven days is awarded",

(iii) in sub-section (7) for the words "for any offence which" there shall be substituted the words "where the charge has been dismissed or the offence";

(iv) in sub-section (8) after the words "forfeiture of" there shall be inserted the word "ordinary," and after the words "unless he awards" there shall be inserted "no other punishment than",

(v) the following sub-section shall be substituted for sub-section (9) —

"(9) The power of dealing summarily with a case may be delegated by a commanding officer to any officer under his command in accordance with and subject to the King's Regulations

Provided that such officer shall not have power to inflict any punishment other than a minor punishment, or such fines for drunkenness as may be provided for by those Regulations"

7. The following amendments shall be made in section forty-seven of Amendment the Army Act (which relates to the power of dealing summarily with <sup>of s. 47 of</sup> <sub>Army Act</sub> charges against officers and warrant officers) —

(1) In sub-section (1) for the words "also on active service the General or Air Officer Commanding-in-Chief in the Field," there shall be substituted the words "also in the case of a force on service beyond the seas the general or air officer commanding the force",

(2) In sub-section (5) for the words "for any offence which" there shall be substituted the words 'where the charge has been dismissed or the offence

Amendment  
of s. 57 of  
Army Act.

**8** In sub-sections (1) and (2) of section fifty-seven of the Army Act (which relates to commutation and remission of sentences) after the word "mentioned" there shall be inserted the words "or if such punishment is cashiering awarded for an offence under section sixteen of this Act, then for dismissal from His Majesty's service or such less punishment as is in this Act mentioned"

Amendment  
of s. 71 of  
Army Act.

**9** The proviso to sub-section (1) of section seventy-one of the Army Act (which relates to military command) is hereby repealed

Amendment  
of provisions  
as to impres-  
ment of  
carriages.

**10** (1) The provisions of the Army Act relating to the impressment of carriages shall apply to all vehicles for carriage or haulage other than those specially constructed for use on rails and there shall be paid in respect of carriages and animals furnished in pursuance of the said provisions the rates of remuneration commonly recognised or generally prevailing in the district at the time of impressment and if any difference arises respecting the amount payable the amount shall be such as may be fixed by a certificate of a county court judge having jurisdiction in any place in which the carriage was furnished or through which it travels

(2) With a view to carrying this section into effect and making various other alterations in the provisions of the Army Act relating to the impressment of carriages the sections of the Army Act specified in the Second Schedule to this Act shall be amended in the manner shown in the second column of that schedule

Amendment  
of s. 137 of  
Army Act

**11** In paragraph (2) of section one hundred and thirty-seven of the Army Act (which relates to penal stoppages from the ordinary pay of officers) after the word "public" there shall be inserted the words "or regimental"

Amendment  
of s. 138 of  
Army Act

**12** In sub-section (1) of section one hundred and thirty-eight of the Army Act (which relates to penal stoppages from the ordinary pay of soldiers) for the word "imprisonment" there shall be substituted the words "penal servitude or imprisonment"

Amendment  
of s. 163 of  
Army Act

**13** In section one hundred and sixty three of the Army Act (which relates to evidence) after paragraph (1) the following paragraph shall be inserted —

'(m) Where an officer or soldier has been apprehended and on arrest taken to a police station in any place in any part of His Majesty's dominions or has on surrender been taken into custody at any such police station, then for the purpose of any proceedings against that officer or soldier a certificate purporting to be signed by the police officer in

charge of that police station, stating the fact, date, and place of arrest or surrender, shall be evidence of the matters so stated."

**14.** Copies of the Army Act printed in accordance with the provisions of section eight of the Army (Annual) Act, 1885, shall be printed with such alterations in cross headings as the Clerk of the Parliaments may certify to be necessary or expedient in consequence of amendments made in the Army Act.

**15.** References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of this Part of this Act shall in their application to the Air Force Act, have effect as if for the words "section eight of the Army (Annual) Act, 1885" there were substituted the words "sub-section (4) of section twelve of the Air Force (Constitution) Act, 1917," and as if for the word "regimental" there were substituted the word "service"

## PART II.

### AMENDMENTS OF ARMY ACT

**16. (1)** In section one hundred and eighty-three of the Army Act (which contains special provisions as to non-commissioned officers) for the words "an army schoolmaster" in both places where those words occur, there shall be substituted the words "an instructor, Army Educational Corps

(2) In paragraph (5) of section one hundred and ninety of the Army Act (which relates to the interpretation of terms in that Act) the words "and includes an army schoolmaster when not a warrant officer" shall be omitted

**17. (1)** For paragraph (15) of section one hundred and ninety of the Army Act (which defines the expression "corps") the following paragraph shall be substituted —

"(15) The expression 'corps' means any such body of His Majesty's military forces as may from time to time be declared by Royal Warrant to be a corps for the purposes of this Act, so, however, that the Royal Marine forces (in this Act referred to as the Royal Marines) shall be formed into a separate corps, and where a corps comprises units of the territorial army belonging to two or more counties, the corps shall, for the purposes of section nine of the Territorial and Reserve Forces Act, 1907, be deemed to be a corps for each such county."

(2) Accordingly, the enactments hereinafter mentioned shall have effect subject to the following amendments —

- (a) In section eighty three of the Army Act, for references to "corps of the regular forces" there shall be substituted references to "corps"
- (b) In sub-section (2) of section fourteen of the Reserve Forces Act 1882, for the reference to "corps of the regular forces" there shall be substituted a reference to "corps"
- (c) In sub-section (2) of section seven of the Territorial and Reserve Forces Act 1907 the words "and for the formation of such regiments battalions or other military bodies into corps either alone or jointly with any other part of His Majesty's forces" shall be repealed
- (d) In section thirty three of the Territorial and Reserve Forces Act 1907 the words "and for the formation of such regiments battalions or other military bodies into corps either alone or jointly with any other part of His Majesty's forces" and the word "such" wherever it occurs, shall be repealed.

### PART III

#### AMENDMENTS OF AIR FORCE ACT

Amendment  
of ss. 14 &  
135 of Air  
Force Act.

18 (1) The following proviso shall be substituted for proviso (6) to section forty four of the Air Force Act (which provides for the scale of punishments by courts-martial) —

"(6) In addition to or without any other punishment, it shall be lawful for a court martial to order in respect of an offence committed by an airman on active service that the offender forfeit all ordinary pay for a period commencing on the day of sentence and not exceeding three months and in respect of an offence committed by an airman (other than a non-commissioned officer) when not on active service, that the offender forfeit all such pay for a period commencing as aforesaid and not exceeding twenty-eight days."

(2) The following paragraph shall be inserted after paragraph (d) of sub-section (2) of section forty six of the Air Force Act (which relates to the power of a commanding officer) —

"(e) In the case of an offence by an airman (other than a non-commissioned officer) when not on active service may in addition to or without any other punishment order that

the offender forfeit all ordinary pay for a period commencing on the day of sentence and not exceeding fourteen days."

(3) In proviso (i) to section one hundred and thirty-eight of the Air Force Act (which relates to penal stoppages from ordinary pay of airmen), the words "on active service" shall be omitted

**19.** In section eighty-seven of the Air Force Act (which relates to Amendment prolongation of service in certain cases), after the words "air-force ser-<sup>of s. 87 of</sup> vice" in sub-section (1) thereof and after the words "service beyond the <sup>Air Force</sup> <sub>Act</sub> seas" in sub-section (2) thereof there shall be inserted the words "or while officers and men of the air force reserve are called out to serve in defence of the British Islands against actual or apprehended attack."

**20. (1)** The provisions of section one hundred and eight <sup>A</sup> of the Air Amendment Force Act (which relates to billeting in case of emergency) shall have <sup>of provi-</sup> <sub>sions as to</sub> effect in case of emergency notwithstanding that directions have not been given for embodying all or any part of the territorial army, and accordingly in sub-section (1) of that section the words "where directions have been given for embodying all or any part of the territorial force" shall be omitted

(2) In sub-section (1) of section one hundred and eighty-one of the Air Force Act, which contains modifications of the Act with respect to the auxiliary forces, after the word "behalf" there shall be inserted the words "or when called out to serve in defence of the British Islands against actual or apprehended attack."

**21.** In paragraph (10) of section one hundred and seventy-five of the <sup>A</sup> Amendment Air Force Act (which defines the persons who are subject to that <sup>of s. 175 of</sup> <sub>Act as</sub> officers) the words from "if an officer" to the end of the paragraph shall <sup>Air Force</sup> <sub>Act</sub> be omitted.

## SCHEDULES.

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### FIRST SCHEDULE.

(Section 3 )

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Accommodation to be provided.	Maximum Price
Lodging and attendance for soldier where meals furnished.	Ten pence per night for the first soldier and eight pence per night for each additional soldier

Accommodation to be provided.	Maximum Price
Breakfast as specified in Part I of the Second Schedule to the Army and Air Force Acts	Seven pence each.
Dinner as so specified	Ten pence
Supper as so specified	Four pence
Where no meals furnished lodging and attendance and candles vinegar salt, and the use of fire and the necessary utensils for dressing and eating his meat	Ten pence per night for the first soldier and eight pence per night for each additional soldier
Stable room and ten pounds of oats twelve pounds of hay and eight pounds of straw per day for each horse	Two shillings and four pence per day
Stable room without forge	Six pence per day
Lodging and attendance for officer	Three shillings per night

*Note*—An officer shall pay for his food

## SECOND SCHEDULE

### AMENDMENT OF PROVISIONS AS TO IMPRESSION OF CARRIAGES

Section	How to be amended
S 112	<p>At the end of the section the following sub-section shall be inserted —</p> <p style="padding-left: 40px;">'(7) Where a carriage has one or more alternative bodies the carriage may be demanded with any one or more bodies, and where a carriage is used for haulage the carriage may be demanded with or without the vehicles ordinarily hauled</p>
S 113	<p>The following sub-sections shall be substituted for sub-sections (1) to (4) —</p> <p style="padding-left: 40px;">(1) There shall be paid in respect of carriages and animals furnished in pursuance of the foregoing section of this Act the rates of payment commonly recognised or generally prevailing in the district at the time of impressment, and if any difference arises respecting the amount payable, the amount shall be such as may be fixed by a certificate of a County court judge having juris-</p>

## Section

## How to be amended

S 113—(contd.)

diction in any place in which the carriage or animal was furnished or through which it travelled

(2) For the purposes of fixing such amount the provisions set out in the Sixth Schedule to this Act shall have effect

(3) Where a sum has been paid or tendered by or on behalf of the Army Council under this section, that sum shall be deemed to be the amount due unless within three weeks of the date of the payment or tender an application is made to a county court judge for a certificate or formal notification is made to the Army Council that application for the certificate of a county court judge will be made in the event of a settlement not otherwise being arrived at If such formal notification is made, the three weeks mentioned in this paragraph shall not be deemed to have commenced to run until the Army Council notifies the claimant that no further payment will be made beyond the amount tendered, except under a certificate of a county court judge

When formal notification is made to the Army Council, the sum already tendered may be accepted without prejudice to the right of applying to the county court judge

(4) The possessor of any carriage or animal at the time of impressment shall be deemed to be the owner for the purposes of the procedure of impressment where it is not otherwise declared at the time, and payment made to the possessor shall be deemed to be payment to the owner In the event of the property being vested in another person or persons, the possessor shall notify all others interested in the property and adjust

Section	How to be amended
S 113—(concl'd)	the amount received in due proportion. In the event of any difference arising, the amounts shall be apportioned on a certificate of a county court judge as aforesaid
S 115	In sub-section (2) the words “(including motor-cars and other locomotives, whether for the purpose of carriage or haulage)” shall be omitted <i>In sub-section (3) after specified in such order there shall be inserted</i> notwithstanding that a receipt may be given by the officer mentioned in the warrant at the time of impressment and at the end of the sub-section the following shall be added — The carriages or horses mentioned in the order shall not be deemed to have been furnished until proper delivery has been made to the place and at the time stated in the order The following provision shall be substi- tuted for sub-section (4) — (4) The sum to be paid for any article shall be deemed to have been tendered when a formal receipt for the article setting forth the amount is delivered to the owner or his representa- tive but the property in a carriage or animal impressed shall be vested in the owner until such time as the carriage or animal has been duly furnished at the place and time stipulated’ In sub-section (10) or carriages” shall be inserted after horses wherever that word occurs, and or carriage” shall be inserted after horse
S 100	The following paragraph shall be inserted after paragraph (10) — (10A) The expression carriage’ means a vehicle for carriage or haulage other than one specially constructed for use on rails.”

15 Geo. 5, c. 25.] *The Army and Air Force (Annual) Act, 1925.* 547

**15 & 16 Geo. 5, c. 37.] The Merchant Shipping (Equivalent Provisions) Act, 1925**

Section.	How to be amended
Sixth Schedule .	. The Third Schedule shall be omitted
Third Schedule .	The following paragraph shall be substituted for paragraph 3 — <p style="padding-left: 40px;">“3 In the case of impressment for hire, the amount fixed by the certificate shall be such amount as appears to the county court judge to be a fair rate of hire for the class of article in the district in which it is impressed or over which it is required to work. In the case of a requisition for purchase the amount fixed by the certificate shall be such amount as appears to the county court judge to be the fair market value of the article requisitioned on the day on which it was required to be furnished as between a willing buyer and a willing seller. Where the owner of a carriage or horse has been required to deliver it at a distance from his premises the amount shall include such sum as the judge may consider reasonable to cover the cost of such delivery”</p>

**THE MERCHANT SHIPPING (EQUIVALENT PROVISIONS) ACT, 1925.**

(15 & 16 Geo 5, c. 37.)

*An Act to provide for the exemption, in certain circumstances, of Foreign  
ships and British ships registered outside the United Kingdom from  
certain provisions of the Merchant Shipping Acts*

[30th June, 1925]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons,

in this present Parliament assembled, and by the authority of the same, as follows —

1. Where His Majesty is satisfied that—

(a) ships of a foreign country are required by the law of that country to comply with any provisions which are substantially the same as or equally effective with any provisions of the Merchant Shipping Acts which apply to foreign ships while they are within a port of the United Kingdom, and

(b) that country has made or has undertaken to make provision for the exemption of British ships while they are within a port of that country from the corresponding requirement of the law of that country His Majesty may by Order in Council, direct that any such provisions of the Merchant Shipping Acts as aforesaid shall not apply to any ship of that country within a port of the United Kingdom if it is proved that the ship complies with the corresponding provision of the law of that country applicable to that ship

2 Where His Majesty is satisfied that British ships registered in a part of His Majesty's dominions outside the United Kingdom or ships registered in a port of a territory over which His Majesty exercises jurisdiction, are required by the law of that port of His Majesty's dominions or the law in force in that territory to comply with any provisions which are substantially the same as, or equally effective with, any of the provisions of the Merchant Shipping Acts which apply to such ships if, but only if they are within a port of the United Kingdom His Majesty may, by Order in Council direct that any such provisions of the Merchant Shipping Acts as aforesaid shall not apply to any ship registered in that part of His Majesty's dominions or in that territory, whilst within a port in the United Kingdom if it is proved that the ship complies with the corresponding provision of the law of the part of His Majesty's dominions or territory in which the ship is registered

3 (1) This Act may be cited as the Merchant Shipping (Equivalent Provisions) Act 1920 and shall be construed as one with the Merchant Shipping Acts 1894 to 1923 and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1925

(2) In this Act the expression "the Merchant Shipping Acts" means the Merchant Shipping Acts 1894 to 1923 and includes any Orders in Council rules and regulations made thereunder and the expression United Kingdom means Great Britain and Northern Ireland.

Power to exempt foreign ships from certain provisions of Merchant Shipping Acts

Power to exempt British ships registered out of the United Kingdom from certain provisions of Merchant Shipping Acts

Short title, construction, etc.

## THE EXPIRING LAWS ACT, 1925.

(15 &amp; 16 GEO. 5, C. 76.)

*An Act to deal with certain Expiring Laws by making some of them permanent, continuing some of them permanently, and continuing the remainder for a limited period.*

[10th December, 1925]

WHEREAS the Acts mentioned in Part I of the First Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-five;

And whereas by virtue of repeals effected by the Law of Property (Amendment) Act, 1924, and the Administration of Estates Act, 1925, the Acts mentioned in Part II of the said Schedule will, to the extent mentioned in the third column thereof, cease to have effect and expire on the thirty-first day of December, nineteen hundred and twenty-five.

And whereas of the Acts mentioned in the Second Schedule to this Act, those mentioned in Parts I, II, and III, thereof are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-five, the twenty-third day of December, nineteen hundred and twenty-five, the fifteenth day of February, nineteen hundred and twenty-six respectively, and those mentioned in Part IV thereof are limited to expire on the thirty-first day of March, nineteen hundred and twenty-six.

And whereas it is expedient that the Acts mentioned in the First Schedule to this Act should be made permanent or continue permanently in force, and that the Acts mentioned in the Second Schedule to this Act should be continued, as in this Act mentioned, together in each case with any enactments amending or affecting the same

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. (1) The Acts mentioned in Part I of the First Schedule to this Act shall, to the extent specified in column three of that schedule, become permanent Acts, and any provision in any Act in force at the date of the passing of this Act which limits the period for which any of those Acts or any parts thereof are to remain in operation shall cease to have effect

15 Geo 5,  
c. 5.  
15 Geo 5,  
c. 23.

(2) The Acts mentioned in Part II of the First Schedule to this Act shall notwithstanding any such repeal as is hereinbefore mentioned, not expire on the date fixed for the repeal thereof, but shall continue permanently in force.

Certain Acts  
to be  
continued  
temporarily

2. (1) The Acts mentioned in Parts I to III inclusive of the Second Schedule to this Act shall to the extent specified in column three of that schedule be continued until the thirty first day of December nineteen hundred and twenty-six and shall then expire, unless further continued.

(2) The Acts mentioned in Part IV of the Second Schedule to this Act shall to the extent specified in column three of that schedule be continued until the thirty first day of March nineteen hundred and twenty-seven and shall then expire unless further continued.

Amending  
enactments.

3 Any unrepealed enactments amending or affecting the enactments made permanent or continued by this Act shall in so far as they are temporary in their duration become permanent or be continued in like manner whether they are mentioned in the First or Second Schedule (as the case may be) to this Act or not.

Short title  
and applica-  
tion to  
Ireland.

4. (1) This Act may be cited as the Expiring Laws Act 1925.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws but subject to this provision this Act shall not apply to Ireland.

## SCHEDULES

### SECOND SCHEDULE

#### PART I

1	2	3	4
Session and chapter	Short Title.	How far continued.	Amending Act.
(14)			
9 & 10 Geo. 5, c. 92	The Aliens Restriction Act 1910	Section one (Amendment)	

<sup>1</sup> The portions of these schedules omitted relate to Statutes which do not apply to India.

THE GOVERNMENT OF INDIA (CIVIL SERVICES) ACT, 1925

(15 & 16 Geo. 5, c. 83.)

An Act to amend the provisions of the Government of India Act by exempting proposals for expenditure upon certain salaries, pensions and other payments from submission to Indian legislatures, and to enable rules made under the said Act relating to the Civil Services of the Crown in India to be dispensed with or relaxed in certain cases

[22nd December, 1925]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.—

1. Sections sixty-seven A and seventy-two D of the Government of India Act<sup>1</sup> shall as from and after the thirty-first day of March, nineteen hundred and twenty-four, have effect as though the following Amendments were made therein —

(1) In sub-section (3) of the said section sixty-seven A (which relates to proposals for the appropriation of money which are not to be submitted to the vote of the Legislative Assembly) there shall be substituted for paragraphs (iii) and (iv) the following paragraphs —

“(iii) Salaries and pensions payable to or to the dependants of—

(a) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council

(b) chief commissioners and judicial commissioners,

(c) persons appointed before the first day of April, nineteen hundred and twenty-four, by the Governor-General in Council or by a local government to services or posts classified by rules under this Act as superior services or posts, and

(iv) Sums payable to any person who is or has been in the civil service of the Crown in India under any order of the Secretary of State in Council, of the Governor-General in Council, or of a governor, made upon an appeal made to him in pursuance of rules made under this Act ”

(2) In sub-section (3) of the said section seventy-two D (which relates to proposals for the appropriation of money which are not to be

<sup>1</sup> Page 54, *supra*

submitted to governors legislative councils) there shall be substituted for paragraphs (iv) and (v) the following paragraphs —

- ‘ (iv) Salaries and pensions payable to or to the dependants of—
  - (a) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council
  - (b) judges of the high court of the province
  - (c) the advocate-general
  - (d) persons appointed before the first day of April, nineteen hundred and twenty four, by the Governor-General in Council or by a Local Government to services or posts classified by rules under this Act as superior services or posts and
- (v) Sums payable to any person who is or has been in the civil service of the Crown in India under any order of the Secretary of State in Council, of the Governor-General in Council or of a governor, made upon an appeal made to him in pursuance of rules made under this Act

(3) At the end of sub-section (3) of each of the said sections sixty-seven A and seventy two D the following provision shall be added —

“ For the purposes of this sub-section the expression salaries and pensions includes remuneration, allowances, gratuities, any contributions (whether by way of interest or otherwise) out of the revenues of India to any provident fund or family pension fund and any other payments or emoluments payable to or on account of a person in respect of his office ”

Amendment of s. 96B of Government of India Act (which relates to the civil services in India) there shall be inserted the following sub-section —

- “ (5) No rules or other provisions made or confirmed under this section shall be construed to limit or abridge the power of the Secretary of State in Council to deal with the case of any person in the civil service of the Crown in India in such manner as may appear to him to be just and equitable and any rules made by the Secretary of State in Council under sub section (2) of this section delegating the power of making rules may provide for dispensing with or relaxing the requirements of such rules to such extent and in such manner as may be prescribed

**15 & 16 Geo. 5, c. 83.] The Government of India (Civil Service) Act, 1925**

**15 & 16 Geo. 5, c. 84.] The Workmen's Compensation Act, 1925**

Provided that where any such rule or provision is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or provision."

**3.** In sub-section (6) of section ninety-seven of the Government of India Act (which relates to the appointment to the Indian Civil Service of persons domiciled in India) the words "in Council" shall be inserted after the words "Secretary of State" where those words first occur.

**4. (1)** This Act may be cited as the Government of India (Civil Services) Act, 1925.

Short title,  
construction  
and printing

**(2)** Sub-section (2) of section forty-five of the Government of India Act, 1919 (which relates to the effect of amendments to and the printing of the Government of India Act) shall have effect as if it were herein re-enacted and in terms made applicable to the amendments effected by this Act.

## THE WORKMEN'S COMPENSATION ACT, 1925

(15 & 16 Geo. 5, c. 84.)

### ARRANGEMENT OF SECTIONS.

#### PART I

#### COMPENSATION FOR INJURIES

##### *Right to Compensation*

###### SECTION

- 1 Liability of employers to workmen for injuries
- 2 Persons entitled to compensation
- 3 Meaning of "workman"
- 4 Defendants entitled to compensation
- 5 Meaning of "employee"
- 6 Liability in case of workmen employed by contractors.
- 7 Provision as to cases of bankruptcy of employer

<sup>1</sup> See S. 35, *infra*

*Amount of Compensation*

SECTION

- 8 Amount in fatal cases
- 9 Amount in cases of total and partial incapacity
- 10 Rules for determining earnings
- 11 Reviews of weekly payments
- 12 Limitation of power of employer to end or diminish weekly payments
- 13 Redemption of weekly payments

*Conditions of Compensation*

- 14 Requirements as to notice of accident and claim for compensation
- 15 Special provisions as to notice of accident in mines factories, etc
- 16 Conditions as to residence
- 17 Conditions as to submission to medical examination in first instance
- 18 Periodical submission to medical examination
- 19 Provisions as to submission to medical examination
- 20 Provision as to suspension of right to compensation

*Procedure for determining Compensation and settling Questions*

- 21 Procedure for settling questions
- 22 Power to vary awards
- 23 Registration of agreements and awards
- 24 Registration of compensation agreements
- 25 Invalidity of certain agreements unless registered
- 26 Payments into court
- 27 Provisions as to county courts
- 28 Extension of powers of representative committees

*Alternative Remedies etc*

- 29 Remedies independently of Act against employer
- 30 Remedies both against employer and stranger
- 31 Substitution of liability under scheme for liability under Act
- 32 Saving as respects fines under Mines and Factories Acts

*Application to special Classes of persons*

SECTION

- 33 Application to workmen in employment of Crown.
- 34 Application to men being trained or engaged in rescue work in mines.
- 35 Application of Act to person employed on ships
- 36 Power to extend principal Act to aircraft outside Great Britain.
- 37 Power to make Orders in Council for giving effect to conventions with Foreign States

*Administrative Provisions.*

- 38 Appointment and remuneration of medical referees and arbitrators.
- 39 Detention of ships.
- 40 Prohibition against charging or assigning weekly payments.
- 41 Repayment of poor relief.
- 42 Returns as to compensation.

PART II.

APPLICATION TO CERTAIN INDUSTRIAL DISEASES

- 43 Application of Act to industrial diseases.
- 44 Supplemental provisions as to industrial diseases
- 45 Mutual insurance of employers engaged in industries
- 46 Expenses of Secretary of State
- 47 Power by scheme to apply Act to workmen suffering from silicosis

PART III.

GENERAL

- 48 Interpretation
- 49 Application to Scotland
- 50 Commencement, repeal and extent
- 51 Short title

SCHEDULES

*An Act to consolidate the law relating to compensation to workmen for  
injuries suffered in the course of their employment*

[22nd December, 1925 ]<sup>1</sup>

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows —

PART I

COMPENSATION FOR INJURIES

*Right to Compensation*

Liability of  
employers to  
workmen for  
injuries.

L. (1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman his employer shall subject as hereinafter mentioned be liable to pay compensation in accordance with the provisions hereinafter contained

Provided that—

(a) The employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least three days from earning full wages at the work at which he was employed

(b) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement be disallowed

(2) For the purposes of this Act an accident resulting in the death or serious and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer if such act was done by the workman for the purposes of and in connection with his employer's trade or business

(3) This Act shall apply notwithstanding any contract to the contrary whether made before or after the commencement of this Act except that where under this Act the provisions of a scheme are substituted for the provisions of this Act the employer shall be liable only in accordance with the scheme

2. (1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependants as provided by this Act

(2) Where there are both total and partial dependants nothing in this Act shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants

(3) Where a defendant dies before a claim under this Act is made, or if a claim has been made, before an agreement or award has been arrived at or made, the legal personal representative of the defendant shall have no right to payment of compensation, and the amount of compensation, shall be calculated and apportioned as if that defendant had died before the workman

3. (1) In this Act, unless the context otherwise requires, the expression "workman," subject to the exceptions hereinafter mentioned, means any person who has entered into or works, under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing, and also includes a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise

(2) The following persons are excepted from the definition of workman, that is to say—

(a) any person employed otherwise than by way of manual labour whose remuneration exceeds three hundred and fifty pounds a year, or

(b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club, or

(c) a member of a police force, or

(d) an out worker, or

(e) a member of the employer's family dwelling in his house,

(3) If on any proceedings for the recovery of compensation under this Act it appears to the judge of county courts or other person by whom the claim to compensation is to be settled that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, he may, if having regard to all the circumstances of the case he thinks proper

*An Act to consolidate the law relating to compensation to workmen for  
injuries suffered in the course of their employment*

[22nd December, 1925]<sup>1</sup>

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

## PART I

### COMPENSATION FOR INJURIES

#### *Right to Compensation*

Liability of  
employers to  
workmen for  
injuries.

L. (1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall subject as hereinafter mentioned be liable to pay compensation in accordance with the provisions hereinafter contained.

Provided that—

- (a) The employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least three days from earning full wages at the work at which he was employed.
- (b) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement be disallowed.

(2) For the purposes of this Act an accident resulting in the death or serious and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer if such act was done by the workman for the purposes of and in connection with his employer's trade or business.

(3) This Act shall apply notwithstanding any contract to the contrary whether made before or after the commencement of this Act except that where under this Act the provisions of a scheme are substituted for the provisions of this Act the employer shall be liable only in accordance with the scheme.

2. (1) The compensation shall be payable to or for the benefit of the Persons workman, or, where death results from the injury, to or for the benefit entitled to compensation of his dependants as provided by this Act

(2) Where there are both total and partial dependants nothing in this Act shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants

(3) Where a defendant dies before a claim under this Act is made, or if a claim has been made, before an agreement or award has been arrived at or made, the legal personal representative of the defendant shall have no right to payment of compensation, and the amount of compensation, shall be calculated and apportioned as if that defendant had died before the workman

3. (1) In this Act, unless the context otherwise requires, the expression "workman," subject to the exceptions hereinafter mentioned, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing, and also includes a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise

(2) The following persons are excepted from the definition of workman, that is to say—

- (a) any person employed otherwise than by way of manual labour whose remuneration exceeds three hundred and fifty pounds a year, or
- (b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club, or
- (c) a member of a police force, or
- (d) an out worker, or
- (e) a member of the employer's family dwelling in his house,

(3) If on any proceedings for the recovery of compensation under this Act it appears to the judge of county courts or other person by whom the claim to compensation is to be settled that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, he may, if having regard to all the circumstances of the case he thinks proper

so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship

Dependants  
entitled to  
compensation

4. (1) The dependants of a workman entitled to claim compensation under this Act where the injury results in death are such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death or would have been so dependent and where the workman being the parent or grandparent of an illegitimate child leaves such a child so dependent upon his earnings or being an illegitimate child leaves a parent or grandparent so dependent upon his earnings shall include such an illegitimate child and parent or grandparent respectively

(2) A person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessaries of life suitable for persons in his class and position

(3) In this Act unless the context otherwise requires the expression "Member of a family" means wife or husband father mother grandfather grandmother stepfather stepmother son, daughter grandson, granddaughter stepson stepdaughter brother sister halfbrother half sister

Meaning of  
"employer"  
5. (1) In this Act unless the context otherwise requires the expression "Employer" includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship the latter shall for the purposes of this Act be deemed to continue to be the employer of the workman whilst he is working for that other person

(2) In relation to a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under a contract of bailment the owner of the vehicle or vessel shall, for the purposes of this Act, be deemed to be the employer

(3) In relation to a person employed for the purposes of any game or recreation and engaged or paid through a club the manager or members of the managing committee of the club shall for the purposes of this Act be deemed to be the employer

Liability in  
case of  
workmen  
employed by  
contractors.  
6. (1) Where any person (in this section referred to as the principal), in the course of or for the purposes of his trade or business contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any

work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Act which he would have been liable to pay if that workman had been immediately employed by him, and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

Provided that, where the contract relates to threshing, ploughing, or other agricultural work, and the contractor provides and uses machinery driven by mechanical power for the purpose of such work, he and he alone shall be liable under this Act to pay compensation to any workman employed by him on such work.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

7. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then, in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken, by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in the enactments relating to bankruptcy and the winding-up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for

the balance in the bankruptcy or liquidation, or as the case may be, he may recover the balance from the receiver or manager

(3) There shall be included amongst the debts which—

(i) under section thirty three of the Bankruptcy Act 1914, and <sup>4 & 5 Ge</sup>  
<sup>c. 80.</sup> section one hundred and eighteen of the Bankruptcy <sup>3 & 4 Ge</sup>  
(Scotland) Act 1913 are in the distribution of the property <sup>c. 20.</sup>  
or assets of a bankrupt to be paid in priority to all other  
debts

(ii) under section two hundred and nine of the Companies (Con <sup>8 Edw 7</sup>  
solidation) Act 1908 are in the winding up of a company <sup>c. 63.</sup>  
to be paid in priority to all other debts, and

(iii) under section one hundred and seven of the Companies (Con  
solidation) Act, 1908 are to be paid in priority to any  
claim for principal or interest in respect of debentures,

the amount due in respect of any compensation or liability for compensation accrued before the following date that is to say —

(a) In the first case the date of the receiving order,  
(b) In the second case the date of the commencement of the wind-  
ing up of the company  
(c) In the third case the date of the appointment of the receiver  
or of possession being taken mentioned in the said section  
one hundred and seven

Where the compensation is a weekly payment, the amount due in respect thereof shall for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable be redeemed if the employer made an application for that purpose under this Act

(4) In the case of the winding up of a company within the meaning <sup>50 & 51 V</sup>  
<sup>c. 42.</sup> of the Statuary Act 1887 such an amount as aforesaid, if the compensation is payable to a miner or the dependants of a miner, shall have the like priority as is conferred on wages of miners by section nine of that Act and that section shall have effect accordingly

(5) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt or the company has entered into such a contract with insurers as aforesaid

(6) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company

*Amount of Compensation*

8. (1) The compensation under this Act where death results from the injury shall be a lump sum of an amount calculated in accordance with the rules hereinafter contained, together with, if the workman leaves a widow or other member of his family (not being a child under the age of fifteen) wholly or partially dependent upon his earnings, and in addition leaves one or more children under the age of fifteen so dependent, an additional sum (hereinafter referred to as the children's allowance) of an amount calculated in accordance with the rules hereinafter contained, so however, that the lump sum and children's allowance (which shall be added together and dealt with as a single sum) shall not in any case exceed in the aggregate six hundred pounds.

(2) The lump sum shall be calculated in accordance with the following rules —

- (i) If the workman leaves any dependants wholly dependent on his earnings, the lump sum shall be a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of two hundred pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds;
- (ii) If the period of the workman's employment by the said employer has been less than the said three years, the amount of his earnings during the said three years shall, for the purposes of the foregoing rule, be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer,
- (iii) There shall be deducted from the sum as above calculated the amount of weekly payments (if any made to the workman before his death so, however, as not to reduce the lump sum below two hundred pounds, and if such weekly payments have been redeemed under this Act, there shall also be deducted the amount paid in respect of the redemption thereof,
- (iv) If the workman does not leave any dependants wholly dependent on his earnings, but leaves any dependants in part so dependent, the lump sum shall be such sum not exceeding in any case the amount payable under the foregoing rules as may be agreed upon or, in default of agreement, may be determined by arbitration under this Act to be reasonable and proportionate to the injury to the said dependants;

(v) If the workman leaves no dependants the lump sum shall be an amount equal to the reasonable expenses of his medical attendance and burial not exceeding fifteen pounds

(3) The amount of the children's allowance shall be calculated in accordance with the following rules —

(i) If both the widow or other member of the workman's family and such child or children as aforesaid were all wholly dependent on the workman's earnings, the children's allowance shall in respect of each such child be a sum equal to fifteen per cent of the amount arrived at by multiplying the average weekly earnings of the workman or where such earnings are less than one pound then by multiplying one pound or where such earnings exceed two pounds then by multiplying two pounds by the number of weeks in the period between the death of the workman and the date when the child will attain the age of fifteen fractions of a week being disregarded

(ii) If the widow or other member of the workman's family and such child or children as aforesaid or any of them, were partially dependent on the workman's earnings, the children's allowance shall be such proportion of the sum which would have been payable under the foregoing rule if all such persons had been wholly dependent as may be agreed upon or in default of agreement as may taking into consideration the amount of the lump sum be determined by arbitration under this Act to be reasonable

(iii) No deduction shall be made from the children's allowance in respect of the amount of any weekly payments which may have been made to the workman under this Act in respect of the same injury but if such weekly payments have been redeemed the amount paid in redemption thereof if and so far as it exceeds the lump sum payable shall be deducted from the amount of the children's allowance as ascertained under the foregoing rules

Amount in  
cases of total  
and partial  
incapacity

9 (1) The compensation under this Act where total or partial incapacity for work result from the injury shall be a weekly payment during the incapacity of an amount calculated in accordance with the rules hereinafter contained

Provided that—

(a) if the incapacity lasts less than four weeks no compensation shall be payable in respect of the first three days and

(b) in fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity, and

(c) the weekly payment shall in no case exceed thirty shillings

(2) The rules for calculating the weekly payment in the case of total incapacity shall be—

(i) The weekly payment shall subject to rule (ii) be a sum not exceeding fifty per cent of the workman's average weekly earnings during the previous twelve months, if he has been so long employed by the same employer, but if not, then for any less period during which he has been in the employment of the same employer

(ii) Where the maximum weekly payment calculated according to rule (i) is less than twenty-five shillings, the workman shall be entitled during such total incapacity to a weekly addition equal to one-half of the difference between such maximum weekly payment and the sum of twenty-five shillings or his average weekly earnings, whichever is the less, and such addition shall for all the purposes of this Act, be treated as if it were part of the weekly payment

(3) The rules for calculating the weekly payment in the case of partial incapacity shall be—

(i) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted to twenty-five shillings a week or upwards, the weekly payment in case of partial incapacity shall be one-half the difference between the amount of the average weekly earnings of the workman before the accident and average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident

(ii) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted with such addition, if any, as is provided by rule (ii) in the case of total incapacity, to less than twenty-five shillings, the weekly payment in case of partial incapacity shall be a sum bearing the same proportion to the said difference as the said maximum weekly payment with such addition as aforesaid bears to the amount of the average weekly earnings of the workman before the accident

(4) If a workman who has so far recovered from the injury as to be fit for employment of a certain kind proves to the satisfaction of the

(v) If the workman leaves no dependants, the lump sum shall be an amount equal to the reasonable expenses of his medical attendance and burial not exceeding fifteen pounds

(3) The amount of the children's allowance shall be calculated in accordance with the following rules —

(i) If both the widow or other member of the workman's family and such child or children as aforesaid were all wholly dependent on the workman's earnings the children's allowance shall in respect of each such child be a sum equal to fifteen per cent of the amount arrived at by multiplying the average weekly earnings of the workman or where such earnings are less than one pound then by multiplying one pound or where such earnings exceed two pounds then by multiplying two pounds by the number of weeks in the period between the death of the workman and the date when the child will attain the age of fifteen, fractions of a week being disregarded

(ii) If the widow or other member of the workman's family and such child or children as aforesaid or any of them were partially dependent on the workman's earnings, the children's allowance shall be such proportion of the sum which would have been payable under the foregoing rule if all such persons had been wholly dependent as may be agreed upon or in default of agreement as may taking into consideration the amount of the lump sum be determined by arbitration under this Act to be reasonable

(iii) No deduction shall be made from the children's allowance in respect of the amount of any weekly payments which may have been made to the workman under this Act in respect of the same injury but if such weekly payments have been redeemed the amount paid in redemption thereof if and so far as it exceeds the lump sum payable shall be deducted from the amount of the children's allowance as ascertained under the foregoing rules

Amount in  
cases of total  
and partial  
incapacity

9 (1) The compensation under this Act where total or partial incapacity for work results from the injury shall be a weekly payment during the incapacity of an amount calculated in accordance with the rules hereinafter contained

Provided that—

(a) if the incapacity lasts less than four weeks no compensation shall be payable in respect of the first three days and

(b) in fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity, and

(c) the weekly payment shall in no case exceed thirty shillings

(2) The rules for calculating the weekly payment in the case of total incapacity shall be—

(i) The weekly payment shall subject to rule (ii) be a sum not exceeding fifty per cent of the workman's average weekly earnings during the previous twelve months, if he has been so long employed by the same employer, but if not, then for any less period during which he has been in the employment of the same employer

(ii) Where the maximum weekly payment calculated according to rule (i) is less than twenty-five shillings, the workman shall be entitled during such total incapacity to a weekly addition equal to one-half of the difference between such maximum weekly payment and the sum of twenty-five shillings or his average weekly earnings, whichever is the less, and such addition shall for all the purposes of this Act, be treated as if it were part of the weekly payment

(3) The rules for calculating the weekly payment in the case of partial incapacity shall be—

(i) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted to twenty-five shillings a week or upwards, the weekly payment in case of partial incapacity shall be one-half the difference between the amount of the average weekly earnings of the workman before the accident and average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident

(ii) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted with such addition, if any, as is provided by rule (ii) in the case of total incapacity, to less than twenty-five shillings, the weekly payment in case of partial incapacity shall be a sum bearing the same proportion to the said difference as the said maximum weekly payment with such addition as aforesaid bears to the amount of the average weekly earnings of the workman before the accident

(4) If a workman who has so far recovered from the injury as to be fit for employment of a certain kind proves to the satisfaction of the

judge of the county court that he has taken all reasonable steps to obtain, and has failed to obtain such employment and that his failure to obtain such employment is a consequence wholly or mainly, of the injury, the judge shall order that his incapacity shall for the purposes of this Act continue to be treated as total incapacity for such period and subject to such conditions as may be provided by the order, without prejudice however to the right of review conferred by this Act.

Provided that every such order shall be made subject to the condition that it shall cease to be in force if the workman receives unemployment benefit.

10 For the purposes of the provisions of this Act relating to earnings and average weekly earnings of a workman the following rules shall be observed —

(i) Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated. Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer or the casual nature of the employment or the terms of the employment it is impracticable at the date of the accident to compute the rate of remuneration regard may be had to the average weekly amount which during the twelve months previous to the accident was being earned by a person in the same grade employed at the same work by the same employer or if there is no person so employed by a person in the same grade employed in the same class of employment and in the same district.

(ii) Where the workman had entered into concurrent contracts of service with two or more employers and/or which he worked at one time for one such employer and at another time for another such employer his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident.

(iii) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(iv) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of his employment the sum so paid shall not be reckoned as part of the earnings.

(v) Upon request of the workman to the employer liable to pay compensation, that employer shall furnish in writing a list of the earnings of that workman upon which the amount of the average weekly earnings may be calculated for the purpose of determining the amount of any weekly payment under this Act

**11.** (1) Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum hereinbefore in section nine provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Act

(2) Where the workman was at the date of the accident under twenty-one years of age and the review takes place more than six months after the accident and before the workman attains the age of twenty-one years, the amount of the weekly payment may be increased to such an amount as would have been awarded if the workman had at the time of accident been earning the weekly sum which he would probably have been earning at the date of the review if he had remained uninjured

(3) Where the review takes place more than six months after the accident, and it is claimed and proved that, had the workman remained uninjured and continued in the same class of employment as that in which he was employed at the date of the accident, his average weekly earnings during the twelve months immediately preceding the review would, as a result of fluctuations in rates of remuneration, have been greater or less by more than twenty per cent than his average weekly earnings during the twelve months previous to the accident (or if the weekly payment has been previously varied on a review during the twelve months previous to that review or the last of such reviews), the weekly payment shall be varied so as to make it such as it would have been if the rates of remuneration obtaining during the twelve months previous to the review had obtained during the twelve months previous to the accident

For the purposes of this sub-section "review" includes a review under the provision of any Act repealed by this Act corresponding to this section.

**12.** An employer shall not be entitled otherwise than in pursuance of an agreement or arbitration to end or diminish a weekly payment except in the following cases —

(1) where a workman in receipt of a weekly payment in respect of total incapacity has actually returned to work,

(2) where the weekly earnings of a workman in receipt of a weekly payment in respect of partial incapacity have actually been increased,

(3) where the medical practitioner who has examined the workman under section eighteen of this Act has certified that the workman has wholly or partially recovered or that the incapacity is no longer due in whole or in part to the accident and a copy of the certificate (which shall set out the grounds of the opinion of the medical practitioner) together with notice of the intention of the employer at the expiration of ten clear days from the date of the service of the notice to end the weekly payment or to diminish it by such amount as is stated in the notice, has been served by the employer upon the workman

Provided that—

- (i) in the last mentioned case if before the expiration of the said ten clear days the workman sends to the employer the report of a duly qualified medical practitioner (which report shall set out the grounds of his opinion) disagreeing with the certificate so served by the employer the weekly payment shall not be ended or diminished except in accordance with such report or if and so far as the employer disputes such report except in accordance with the certificate given by the medical referee in pursuance of section nineteen of this Act and
- (ii) where an application has been made in pursuance of the said section nineteen to refer the dispute to a medical referee, it shall be lawful for the employer pending the settlement of the dispute to pay into court—
  - (a) where the notice was a notice to end the weekly payment, the whole of each weekly payment becoming payable in the meantime
  - (b) where the notice was a notice to diminish the weekly payment so much of each weekly payment so payable as is in disputeand the sums so paid into court shall on the settlement of the dispute be paid to the employer or to the workman according to the effect of the certificate of the medical referee or if the effect of that certificate is disputed as in default of agreement may be determined by the registrar or on appeal the judge
- (iii) nothing in this section shall be construed as authorising an employer to end or diminish a weekly payment in any case in which or to an extent to which, apart from this section he would not be entitled to do so

13. Where any weekly payment has been continued for not less than six months, the liability therefor may, on application by or on behalf of the employer, be redeemed by the payment of a lump sum of such amount as, where the incapacity is permanent, would, if invested in the purchase of an immediate life annuity from the National Debt Commissioners through the Post Office Savings Bank, purchase an annuity for the workman equal to seventy-five per cent of the annual value of the weekly payment, and as in any other case may be settled by arbitration under this Act, and such lump sum may be ordered by the committee or arbitrator or judge of the county court to be invested or otherwise applied for the benefit of the person entitled thereto;

Provided that—

- (a) nothing in this section shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum, and
- (b) the provisions of this section which fix the amount of the lump sum for which a weekly payment may be redeemed where the incapacity is permanent, shall not apply in the case where the injured workman is at the date of the application under twenty-one years of age, and where, in the case of an injured workman under the age of twenty-one, the lump sum for which the weekly payment may be redeemed is determined by arbitration, the right which if the redemption did not take place the workman would have to have the weekly payment increased on a review under sub-section (2) of section eleven of this Act shall be taken into account.

#### *Conditions of Compensation*

14. (1) Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death

Provided that—

- (a) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident,

or if it is found in the proceedings for settling the claim that the employer is not or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want defect or inaccuracy or that such want defect or inaccuracy was occasioned by mistake absence from the United Kingdom or other reasonable cause and

(b) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the United Kingdom or other reasonable cause

(2) Notice in respect of an injury under this Act may be given either in writing or orally to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed or to any person designated for the purpose by the employer and shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date at which the accident happened

(3) The notice if in writing may be given by delivering the same at or sending it by post in a registered letter addressed to the residence or place of business of the person to whom it is to be given

(4) Where the employer is a body of persons corporate or unincorporate the notice if in writing may also be given by delivering it or by sending it by post in a registered letter addressed to the employer at the office or if there be more than one office any one of the offices of such body

Special provi-  
visions as to  
notice of  
accident in  
mines,  
factories, etc.

15 (1) There shall be kept constantly posted up in some conspicuous place at or near every mine quarry factory or workshop where it may be conveniently read by the persons employed a summary in such form as may be prescribed of the requirements of this Act with regard to the giving of notice of accidents and the making of claims and the procedure to be followed in the case of industrial diseases and in the event of such summary becoming effaced obliterated or destroyed it shall be renewed with all reasonable dispatch

In the event of any non-compliance with the provisions of this subsection the owner agent or manager of the mine or quarry or the occupier of the factory or workshop shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds and any such proceeding may be instituted by an inspector of mines or factories

(2) The want of, or any defect or inaccuracy in, the notice of an accident required by the last preceding section of this Act shall not be a bar to the maintenance of proceedings for the recovery of compensation under this Act where the employer is the owner of a mine or quarry or the occupier of a factory or workshop—

- (a) if such summary as aforesaid has not been posted up in accordance with the provisions of this section, or
- (b) if the accident has been reported by or on behalf of the employer to an inspector of mines or factories, or
- (c) if the accident has been entered in any register of accidents kept by or on behalf of the employer at the mine, quarry, factory or workshop, or
- (d) if the injury has been treated in an ambulance room at the mine, quarry, factory or workshop

(3) For facilitating the giving of notice of accidents for the purposes of this Act, a book in the prescribed form shall be kept at every mine, quarry, factory or workshop, in which the prescribed particulars of accidents happening to persons employed at the mine, quarry, factory or workshop may be entered by the injured workman or some other person acting on his behalf, and an entry in such book, if made as soon as practicable after the happenings of the accident, shall be sufficient notice of the accident for the purposes of this Act

The book shall be kept at such place as to be readily accessible at all reasonable times to any injured workman who was employed at the mine, quarry, factory or workshop, and any person *bona fide* acting on his behalf

If in the case of any mine, quarry, factory, or workshop the provisions of this sub-section are not complied with, the mine, quarry, factory or workshop shall be deemed not to be managed or kept in conformity with the enactments relating thereto

(4) For the purposes of this section, the expression "factory or workshop" shall include any works or premises to which any of the provisions of the Factory and Workshops Acts, 1901 to 1920, apply, and the expression "prescribed" means prescribed by the Secretary of State

**16.** (1) If a workman receiving a weekly payment ceases to reside in the United Kingdom, the Channel Islands, or the Isle of Man, he shall thereupon cease to be entitled to receive any weekly payment, unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature

(2) If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due

during the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed by rules of court his identity and the continuance of the incapacity in respect of which the weekly payment is payable

Conditions as  
to submission  
to medical  
examination  
in first ins-  
tance.

17 Where a workman has given notice of an accident or where an accident has occurred in respect of which the necessity of giving notice under this Act is dispensed with he shall if so required by the employer submit himself for examination by a duly qualified medical practitioner provided and paid by the employer and if he refuses to submit himself to such examination or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation shall be suspended until such examination has taken place

Periodical  
submission to  
medical  
examination.

18 Any workman receiving weekly payments under this Act shall if so required by the employer from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer If the workman refuses to submit himself to such examination, or in any way obstructs the same his right to such weekly payments shall be suspended until such examination has taken place

Provisions as  
to submission  
to medical  
examination

19 (1) A workman shall not be required to submit himself for examination by a medical practitioner under either of the two last preceding sections otherwise than in accordance with regulations made by the Secretary of State or at more frequent intervals than may be prescribed by those regulations

(2) Where a workman has so submitted himself for examination by a medical practitioner or has been examined by a medical practitioner selected by himself and the employer or the workman as the case may be has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the registrar of a county court an application being made to the court by both parties or subject to appeal to the judge by one of the parties, may refer the matter to a medical referee

Provided that where the application is made by only one of the parties the registrar or on appeal the judge if he is of opinion that owing to the exceptional difficulty of the case or for any other sufficient reason, the matter ought to be settled in default of agreement by arbitration, shall refuse to allow the referee

(3) The medical referee to whom the matter is so referred shall, in accordance with regulations made by the Secretary of State give a certificate as to the condition of the workman and his fitness for employment specifying where necessary the kind of employment for which he is fit,

and that certificate shall be conclusive evidence as to the matters so certified

(4) Where no agreement can be come to between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this section shall, subject to any regulations made by the Secretary of State, apply as if the question were a question as to the condition of the workman

(5) If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred as aforesaid, or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment, shall be suspended until such examination has taken place

(6) Rules of court may be made for prescribing the manner in which documents are to be furnished or served and applications made under this section and the forms to be used for those purposes

20. Where under this Act a right to compensation is suspended no compensation shall be payable in respect of the period of suspension

Provision as  
to suspension  
of right to  
compensa-  
tion.

#### *Procedure for determining Compensation and settling Questions*

21. (1) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the person injured is a workman to whom this Act applies), or as to the amount or duration of compensation under this Act, or, except as otherwise expressly provided, to the right to or amount of any indemnity under this Act, the question, if not settled by agreement, shall, subject to the provisions of this Act, be settled by the arbitration of a representative committee, or of an arbitrator, or of a judge of county courts in accordance with the First Schedule to this Act

(2) Any question as to who is a defendant shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this Act, shall be settled by the county court, and the amount payable to each defendant shall be settled by arbitration under this Act, or, if not so settled before payment into court under this Act, by the county court

22. Where, on application being made in accordance with rules of court, it appears to a county court that, on account of neglect of children on the part of a widow, or on account of the variation of the circumstances of the various defendants, or for any other sufficient cause, an order of the court or an award as to the apportionment amongst the several defendants of any sum paid as compensation, or as to the manner in

Power to vary  
awards

which any sum payable to any such dependant is to be invested, applied or otherwise dealt with ought to be varied the court may make such order for the variation of the former order or the award as in the circumstances of the case the court may think just.

**23 (1)** Where the amount of compensation under this Act has been ascertained or any weekly payment varied or any other matter decided under this Act either by a committee or by an arbitrator or by agreement a memorandum thereof shall be sent in manner prescribed by rules of court by the committee or arbitrator or by any party interested to the registrar of the county court who shall subject to such rules and subject to the provisions hereinafter contained on being satisfied as to its genuineness record such memorandum in a special register and thereupon the memorandum shall for all purposes be enforceable as a county court judgment

Provided that—

- (a) no such memorandum shall be recorded before seven days after the despatch by the registrar of notice to the parties interested and
- (b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Act and the employer in accordance with rules of court proves that the workman has in fact returned to work and is earning the same wages as he did before the accident and objects to the recording of such memorandum the memorandum shall only be recorded if at all on such terms as the judge of the county court under the circumstances may think just

(2) The judge of the county court may at any time rectify the register

(3) Where a memorandum of an agreement for the payment of a lump sum is so sent for registration the registrar and if in pursuance of this Act the matter is referred to the judge the judge of the county court shall have power in accordance with rules of court—

- (a) to require either party to the agreement to furnish him either orally or in writing with such information as he may consider necessary or to require the attendance of any of the parties to the agreement before him
- (b) when the information is to the workman's condition appears to him to be insufficient or conflicting to require a report as to the workman's condition to be obtained from a medical referee

and in the event of either of the parties failing to comply with any such requirement of the registrar the registrar may refuse to record the

memorandum and refer the matter to the judge, who shall have power to make such order as he may in the circumstances think just

(4) Where it appears from any such report of a medical referee that the prospects of the workman's recovery from incapacity cannot as yet be approximately determined, the registrar, or on appeal the judge, may refuse to record the memorandum

(5) Any agreement for the payment of a lump sum shall disclose the amount (if any) paid or payable under or in respect of the agreement by the employer to the solicitor of the workman or his dependants as costs, and, if it appears to the registrar that the amount is excessive, the registrar may direct that the bill of costs be submitted to him for taxation, and thereupon the registrar shall, subject to review by the judge, tax such costs in accordance with rules of court, and if the costs are reduced on such taxation, the amount of such reduction shall either be applied or dealt with for the benefit of the workman or his dependants, or paid to the employer, or otherwise dealt with as the judge may direct

(6) The approved society or committee by which sickness or disablement benefit under the National Insurance Act, 1924, payable to the workman is administered, shall be entitled to send to the registrar objections to the registration of an agreement for the payment of a lump sum, and, in the event of the attendance of any of the parties to the agreement being required, shall be entitled to appeal before the registrar, or, if the matter is referred to the judge, before the judge

(7) Rules of court may be made providing that in any case where in connection with an application for the registration of any such agreement as aforesaid there is a hearing before the registrar or the judge, or a report from the medical referee is required to be obtained, the registrar or judge shall have the power of awarding costs

**24.** Where the person against whom a claim for compensation is made under this Act disputes his liability to pay compensation, but makes an agreement (in this Act referred to as a composition agreement) whereby in consideration of the payment of a lump sum the claim for such compensation purports to be precluded, the agreement shall be ent for registration in like manner and subject to the like conditions as in the case of an agreement for the redemption of a weekly payment by a lump sum

**25. (1)** An agreement as to the redemption of weekly payments by a lump sum, if not registered in accordance with this Act, shall not, nor shall the payment of the sum payable under the agreement, exempt a person by whom the weekly payment is payable from liability to continue to make that weekly payment, unless he proves that the failure to register was not due to any neglect or default on his part

(2) An agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants if not registered in accordance with this Act shall not nor shall the payment of the sum payable under the agreement exempt a person by whom the compensation is payable from liability to pay compensation unless he proves that the failure to register was not due to any neglect or default on his part

(3) A composition agreement if not registered in accordance with this Act shall not nor shall the payment of any sum payable thereunder exempt the employer from liability under this Act

(4) Where it appears to the registrar of the county court on any information which he considers sufficient that an agreement to which this section applies ought not to be registered by reason of the inadequacy of the sum or amount agreed to be paid or by reason of the agreement having been obtained by fraud or undue influence or other improper means he may refuse to record the memorandum of the agreement sent to him for registration and refer the matter to the judge, who shall in accordance with rules of court make such order (including an order as to any sum already paid under the agreement) as in the circumstances he may think just

Provided that in the case of a composition agreement in determining whether or not the sum agreed to be paid under the agreement is adequate the registrar or if the matter is referred to the judge the judge shall have regard to the question whether or not liability to pay compensation under this Act is doubtful

(5) The judge may within six months after a memorandum of an agreement to which this section applies has been recorded in the register order that the record be removed from the register on proof to his satisfaction that the agreement has been obtained by fraud or undue influence or other improper means and may make such order (including an order as to any sum already paid under the agreement) as in the circumstances he may think just

*Payments into Court.* 26 (1) The compensation payable in the case of death shall, unless otherwise ordered as hereinafter provided be paid into the county court

Provided that if so agreed the compensation in the case of death shall if the workman leaves no dependants be paid to his legal personal representative or if he has no such representative to the person to whom the expenses of medical attendance and burial are due

(2) Where a weekly payment is payable under this Act to a person under any legal disability the county court may on an application being made in accordance with rules of court, order that the weekly payment be paid during the disability into court

(3) The provisions of the Second Schedule to this Act shall have effect with respect to money paid into court under this Act and the application and investment thereof

27. (1) Where any matter under this Act is to be done in a county court, or by, to, or before the judge or registrar of a county court, then, unless the contrary intention appears, the same shall, subject to rules of court, be done in, or by, to, or before the judge or registrar of, the county court of the district in which all the parties concerned reside, or if they reside in different districts the district prescribed by rules of court, without prejudice to any transfer in manner provided by rules of court

(2) The duty of a judge of county courts under this Act, or in England of an arbitrator appointed by him, shall, subject to rules of court, be part of the duties of the county court, and the officers of the court shall act accordingly, and rules of court may be made both for any purpose for which this Act authorises rules of court to be made, and also generally for carrying into effect this Act so far as it affects the county court, or an arbitrator appointed by the judge of the county court, and proceedings in the county court or before any such arbitrator, and such rules may, in England, be made by the five judges of county courts appointed for the making of rules under section one hundred and sixty-four of the County Courts Act, 1888, and when allowed by the Lord Chancellor, as provided by that section, shall have full effect without any further consent

51 & 52 Vict c 13.

28. The Secretary of State may, by order, either unconditionally or subject to such conditions or modifications as he may think fit, confer on any committee representative of an employer and his workmen, as respects any matter in which the committee act as arbitrators, or which is settled by agreement submitted to and approved by the committee, all or any of the powers conferred by this Act exclusively on county courts or judges of county courts, and may by the order provide how and to whom the compensation money is to be paid in cases where, but for the order, the money would be required to be paid into court, and the order may exclude from the operation of sub-sections (4) and (5) of section twenty-five of this Act agreements submitted to and approved by the committee, and may contain such incidental, consequential, or supplemental provisions as may appear to the Secretary of State to be necessary or proper for the purposes of the order

*Alternative remedies, etc*

29. (1) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer

of the employer but in that case the workman may at his option, either claim compensation under this Act or take proceedings independently of this Act, but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act and shall not be liable to any proceedings independently of this Act except in case of such personal negligence or wilful act as aforesaid

(2) If within the time hereinbefore limited for taking proceedings under this Act an action is brought to recover damages independently of this Act for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action but that he would have been liable to pay compensation under the provisions of this Act the action shall be dismissed but the court in which the action is tried or if the determination is the determination (on an appeal by either party) by an appellate tribunal that tribunal shall if the plaintiff so choose proceed to assess such compensation but may deduct from such compensation all or part of the costs which in its judgment have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this sub-section when the court or appellate tribunal assesses the compensation it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs and such certificate shall have the force and effect of an award under this Act.

Provided that an appellate tribunal may instead of itself assessing such compensation, remit the case to the county court for the assessment of the compensation and in such case may order the county court to deduct from the amount of compensation assessed by it all or part of such costs as aforesaid.

30 Where the injury for which compensation is payable under this Act or any scheme certified under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

(1) The workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act or such scheme for such compensation but shall not be entitled to recover both damages and compensation, and

(2) If the workman has recovered compensation under this Act or such scheme the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section six of this Act relating to liability in case of workmen employed by contractors shall be entitled to be indemnified by the person so liable to pay

damages as aforesaid, and all questions as to the right to and amount of my such indemnity shall, in default of agreement, be settled by action, or, by consent of the parties, by arbitration under this Act

31. (1) If the Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workmen, certifies—

(a) that any scheme of compensation, benefit or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen, provides scales of compensation not less favourable to the workmen and their dependents than the corresponding scales contained in this Act, and

(b) that, where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act, and

(c) that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of such scheme;

the employer may whilst the certificate is in force, contract with any of his workmen that the provisions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall be liable in respect of those workmen only in accordance with the scheme

(2) The Registrar may give a certificate to expire at the end of a limited period of five years, and may from time to time renew with or without modifications such a certificate to expire at the end of the period for which it is renewed

(3) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme.

(4) The Registrar shall not certify, or renew a certificate of, any such scheme unless he is satisfied that adequate provision is made to secure the discharge of liabilities arising under the scheme, both during the currency of the scheme and after the scheme is revoked or expires, so far as there may be any liabilities outstanding at the date of revocation or expiry

(5) If complaint is made to the Registrar by or on behalf of the workmen of any employer that the benefits conferred by any scheme no longer conform to the conditions stated in sub-section (1) of this section, or that the provisions of such scheme are being violated, or that the scheme is

not being fairly administered or that satisfactory reasons exist for revoking the certificate the Registrar shall examine into the complaint and if satisfied that good cause exists for such complaint, shall unless the cause of complaint is removed revoke the certificate

(6) When a certificate is revoked or expires any moneys or securities held for the purpose of the scheme shall after due provision has been made to discharge the liabilities already accrued, be distributed as may be arranged between the employer and workmen or as may be determined by the Registrar in the event of a difference of opinion

(7) Whenever a scheme has been certified as aforesaid it shall be the duty of the employer to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be made or required by the Registrar

(8) Where a scheme certified under this Act provides for payment of compensation by a friendly society the provisions of the proviso to the first sub-section of section eight section sixteen and section forty-one of the Friendly Societies Act 1896 shall not apply to such society in respect of such scheme

(9) The Chief Registrar of Friendly Societies shall include in his annual report the particulars of the proceedings of the Registrar under this Act

(10) The Chief Registrar of Friendly Societies may make regulations for the purpose of carrying this section into effect

*Saving as  
to fines  
made  
under  
Mines  
and Factories  
Acts.*

32 Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines factories or workshops, or the application of any such fine

#### *Application to special Classes of Persons*

*Application to  
workmen  
employed at  
sea*

33 (1) This Act shall not apply to persons in the naval or military or air service of the Crown but otherwise shall apply to workmen employed by or under the Crown to whom this Act would apply if the employer were a private person

Provided that in the case of a person employed in the private service of the Crown the head of that department of the Royal Household in which he was employed at the time of the accident shall be deemed to be his employer

(2) The Treasury may by warrant laid before Parliament modify for the purposes of this Act their warrant made under section one of the Superannuation Act 1887 and notwithstanding anything in that Act or any such warrant may frame a scheme with a view to their being certified by the Registrar of Friendly Societies under this Act

**34.** (1) When provision has been made in pursuance of regulations under the Coal Mines Act, 1911, or under any order which has effect as if made under that Act, for the formation or training of a rescue brigade, any accident caused to a workman employed in or about a mine to which that Act applies, who is with the consent of his employer being trained as a member of the rescue brigade, and arising out of and in the course of his training, shall, for the purposes of this Act, be deemed to arise out of and in the course of his employment in the mine

(2) Any workman engaged in any rescue work or ambulance work at any such mine shall, for the purposes of this Act, be deemed while so engaged to be employed by the owner of the mine, as defined by the Coal Mines Act, 1911.

**35.** (1) This Act shall apply to masters, seamen and apprentices to the sea service and apprentices in the sea-fishing service, provided that such persons are workmen within the meaning of this Act, and are members of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in the United Kingdom, subject to the following modifications —

- (a) The notice of accident and the claim for compensation may, except where the person injured is the master, be given to the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident
- (b) The provisions of sub-section (1) of section fifteen of this Act (other than those relating to the institution of proceedings by an inspector of mines or factories) shall apply to ships and the masters thereof in like manner as it applies to factories and the occupiers thereof
- (c) In the case of the death of the master, seaman or apprentice, the claim for compensation shall be made within six months after news of the death has been received by the claimant
- (d) Where an injured master, seaman or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in the British possession, and by any British consular officer in the foreign country, and if so taken shall be transmitted by the person by whom they are taken to the Board of Trade, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible

in evidence as provided by sections six hundred and ninety one and six hundred and ninety five of the Merchant Shipping Act 1894 and those sections shall apply accordingly.

(e) In the case of the death of a master, seaman or apprentice leaving no dependants no compensation shall be payable, if the owner of the ship is under the Merchant Shipping Act 1894 liable to pay the expenses of burial

(f) The weekly payment shall not be payable in respect of the period during which the owner of the ship is under the Merchant Shipping Act 1894 as amended by any subsequent enactment or otherwise liable to defray the expenses of maintenance of the injured master seaman or apprentice

(g) Any sum payable by way of compensation by the owner of a ship under this Act shall be paid in full notwithstanding anything in section five hundred and three of the Merchant Shipping Act 1894 (which relates to the limitation of a shipowner's liability in certain cases of loss of life injury or damage) but the limitation on the owner's liability imposed by that section shall apply to the amount recoverable by way of indemnity under section thirty of this Act (relating to remedies both against employer and stranger) as if the indemnity were damages for loss of life or personal injury

(h) Sub-sections (2) and (3) of section one hundred and seventy four of the Merchant Shipping Act 1894 (which relates to the recovery of wage of seamen lost with their ship) shall apply in respect of proceedings for the recovery of compensation by dependants of masters seamen and apprentices lost with their ship until they apply with respect to proceedings for the recovery of wages due to seaman and apprentices and proceedings for the recovery of compensation shall in such a case be maintainable if the claim is made within eighteen months of the date at which the ship is deemed to have been lost with all hands

(2) This Act shall not apply to such members of the crew of a fishing vessel as are remunerated wholly or mainly by shares in the profits or the gross earnings of the working of such vessel except in such cases and subject to such modifications as the Secretary of State may by order provide

Provided that no such order shall come into force until it has been laid before each House of Parliament for a period of not less than twenty one days during which the House has sat, and, if either House before

the expiration of those twenty-one days presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order

2 & 3 Geo 5, : 31. (3) This section shall extend to pilots to whom the Pilotage Act, 1913, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew

(4) This Act shall also apply to any person, not being a master, seaman or apprentice to the sea service or the sea fishing service, employed on board any such ship as is mentioned in this section, if he is so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship, and if he is otherwise a workman within the meaning of this Act

**36** (1) The Secretary of State may by order extend the provisions of this Act, subject to such modifications and exceptions as may be specified in the order, to such persons, being workmen within the meaning of this Act, employed as pilot, commander, navigator, or member of the crew of any aircraft to which this section applies when outside Great Britain, in such circumstances as may be specified in the order

Power to extend principal Act to aircraft outside Great Britain

(2) The aircraft to which this section applies are aircraft registered in the United Kingdom the owner of which resides or has his principal place of business in Great Britain

(3) An order under this section shall not come into force until it has been laid before each House of Parliament for a period of not less than twenty-one days during which that House has sat, and if during that period either House presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order

**37** (1) For the purpose of giving effect to any Convention with a Foreign State providing for reciprocity in matters relating to compensation to workmen for injuries by accident, it shall be lawful for His Majesty by Order in Council to make provision—

Power to make Orders in Council for giving effect to conventions with Foreign States

(a) for modifying this Act in its application to cases affected by the Convention, so, however, as not to alter the amount of compensation in any case to which this Act may apply,

(b) for determining, in cases where rights to compensation accrue both under this Act and under the law of the State with which the Convention is made, under the law of which country the workman shall be entitled to recover compensation,

(c) for conferring on county courts powers for the admission of evidence taken abroad and the procuring and taking of

evidence for use abroad or otherwise for the purpose of facilitating proceedings for the recovery of compensation under the respective laws of the two countries

(2) If the Convention extends to Northern Ireland the provisions of this section shall extend to the enactments regulating the payment of compensation to workmen for injuries by accident for the time being in force in Northern Ireland

(3) In particular but without derogating from the generality of the foregoing provisions of this section any such Order in Council may make such modifications in this Act in its application to workmen who are French citizens as appear to His Majesty to be necessary to give effect to a convention between His Majesty and the President of the French Republic signed at Paris on the third day of July nineteen hundred and nine and this Act shall apply to such workmen subject to the modifications contained in the Order

#### *Administrative Provisions*

Appointment  
and remuner-  
ation of  
medical  
referees and  
arbitrators.

38 (1) The Secretary of State may appoint such legally qualified medical practitioners to be medical referees for the purposes of this Act as he may with the sanction of the Treasury determine, and the remuneration of and other expenses incurred by medical referees under this Act shall be subject to regulations made by the Treasury and except so far as they are defrayed by fees received from the parties under this Act be paid out of moneys provided by Parliament

Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested he shall not act as medical referee in that case

(2) The remuneration of an arbitrator appointed by a judge of county courts under the First Schedule to this Act shall be paid out of moneys provided by Parliament in accordance with regulations made by the Treasury

Detection of  
ships

39 (1) If it is alleged that the owners of any ship are liable as such owners to pay compensation under this Act or any corresponding enactment for the time being in force in Northern Ireland and at any time that ship is found in any port or river of England or Northern Ireland or within three miles of the coast thereof a judge of any court of record in England or Northern Ireland may upon its being shown to him by any person applying in accordance with the rules of the court that the owners are probably liable as such to pay such compensation and that none of the owners reside in Great Britain or Northern Ireland issue an order directed to any officer of customs or other officer named by the

judge requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof have paid such compensation, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation and to pay such compensation and costs as may be awarded thereon, and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly

(2) In any legal proceeding to recover such compensation, the person giving security shall be made defendant, and the production of the order of the judge, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceeding

(3) Where a complaint is made to the Secretary of State that before an application can be made under this section the ship in respect of which the application is to be made will have departed from the limits within which she can be arrested, the ship shall, if the Secretary of State so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention, if made in accordance with the directions of the Secretary of State

(4) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and, if the owner of a ship is a corporation, it shall for the purposes of this section be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected

(5) Where a ship has been demised to charterers, the provisions of this section shall apply to claims against the charterers of the ship as they apply to claims against the owners of a ship with the substitution of charterers for owners

Provided that no ship shall be detained on a claim against the charterers of the ship after the expiration of the term for which the ship is demised to them

(6) The foregoing provisions of this section shall extend to Northern Ireland

(7) Without prejudice to any other means of enforcing claims in Scotland, this section shall, with the substitution of references to the sheriff for references to a judge of any court of record in England apply to a ship found in any port or river of Scotland or within three miles of the coast thereof, in like manner as it applies to a ship found in any port or river of England or within three miles of the coast thereof

**40.** A weekly payment payable under this Act or any scheme certified under this Act, or a sum paid by way of redemption thereof, shall be charging or

assigning  
weekly pay  
ments.

not be capable of being assigned charged or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same

Repayment of  
poor relief.

41 Where an authority has granted out-door relief to a person pending the settlement of his claim to compensation under this Act or any scheme certified thereunder and either—

(a) such relief would not have been granted had the person then received or been in receipt of compensation under this Act, or

(b) such relief is in excess of the amount which would have been granted had the person then received or been in receipt of such compensation

the authority may give notice of the relief so provided to the person liable to pay the compensation and if such notice is given the person so liable shall on demand and on being furnished with a certificate by the authority of the amount of the relief so provided or of the amount of such excess as the case may be repay to the authority up to the amount which he is liable to pay as compensation less such part (if any) of that amount as he has already duly paid at the time of receiving the notice aforesaid the amount of the relief or of the excess certified as aforesaid, and the receipt of the authority shall up to the amount of the repayment be a full and valid discharge to that person in respect of the compensation payable by him to the person relieved

Provided that if the person so liable to pay compensation gives to the authority by which such notice as aforesaid is given notice that he intends to pay or that he has paid, compensation he shall not be under any obligation to make any repayment in respect of any relief provided after the date of the payment of the compensation or after the time at which the notice so given is received by the authority, whichever is the later

Returns as to  
compensation.

42 (1) Every employer in any industry to which the Secretary of State may direct that this section shall apply shall, on or before such day in every year as the Secretary of State may direct, send to the Secretary of State a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Act during the previous year and the amount of such compensation together with such other particulars as to the compensation as the Secretary of State may direct and in default of complying with this section shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(2) Any regulations made by the Secretary of State containing such directions as aforesaid shall be laid before both Houses of Parliament as soon as may be after they are made

PART II

APPLICATION TO CERTAIN INDUSTRIAL DISEASES

43. (1) Where—

(i) the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district in which a workman is employed certifies that the workman is suffering from a disease mentioned in the Third Schedule to this Act and is thereby disabled from earning full wages at the work at which he was employed, or

(ii) a workman is, in pursuance of any special rules or regulations made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of having contracted any such disease, or

(iii) the death of a workman is caused by any such disease,

and the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date of the disablement or suspension, whether under one or more employers, he or his dependants shall be entitled to compensation under this Act as if the disease or such suspension as aforesaid were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications —

(a) The disablement or suspension shall be treated as the happening of the accident,

(b) If it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable,

(c) The compensation shall be recoverable from the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due

Provided that—

(i) the workman or his dependants if so required shall furnish that employer with such information as to the names and addresses of all the other employers who employed him in the employment during the said twelve months as he or they may possess, and, if such information is not furnished, or is not sufficient to enable that employer to take proceedings under the next following proviso, that

Application of  
Act to  
industrial  
diseases.

employer upon proving that the disease was not contracted whilst the workman was in his employment shall not be liable to pay compensation and

- (ii) if that employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer, and not whilst in his employment he may join such other employer as a party to the arbitration and if the allegation is proved that other employer shall be the employer from whom the compensation is to be recoverable and
- (iii) if the disease is of such a nature as to be contracted by a gradual process by other employers who during the said twelve months employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contributions as in default of agreement, may be determined in the arbitration under this Act for settling the amount of the compensation, or if the amount of compensation is not in dispute as may be determined by arbitration under this Act

- (d) The amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable
- (e) The employer to whom notice of the death, disablement or suspension is to be given shall be the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left his employment
- (f) If an employer or a workman is aggrieved by the action of a certifying or other surgeon in giving or refusing to give a certificate of disablement or in suspending or refusing to suspend a workman for the purposes of this section the matter shall in accordance with regulations made by the Secretary of State be referred to a medical referee whose decision shall be final and the medical referee when deciding the matter shall also certify as to the condition of the workman at the time when he is examined by him and such certificate by the medical referee shall be conclusive

(2) For the purposes of this section the date of disablement shall be such date as the certifying surgeon certifies as the date on which the disablement commenced, or, if he is unable to certify such a date, the date on which the certificate is given:

Provided that—

(a) Where the medical referee allows an appeal against a refusal by a certifying surgeon to give a certificate of disablement, the date of disablement shall be such date as the medical referee may determine.

(b) Where a workman dies without having obtained a certificate of disablement, or is at the time of death not in receipt of a weekly payment on account of disablement, it shall be the date of death.

(3) The Secretary of State may make orders for extending the provisions of this section to other diseases and other processes, and to injuries due to the nature of any employment specified in the order not being injuries by accident, either without modification or subject to such modifications as may be contained in the order.

(4) Nothing in this section shall affect the rights of a workman to recover compensation in respect of a disease to which this section does not apply, if the disease is a personal injury by accident within the meaning of this Act.

**44.** (1) If the workman at or immediately before the date of such disablement or suspension as aforesaid, was employed in any process mentioned in the second column of the Third Schedule to this Act, and the disease contracted is the disease in the first column of that Schedule set opposite the description of the process, the disease, except where the certifying surgeon certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment unless the employer proves the contrary.

(2) Where a workman claims to be suffering from and disabled by a disease to which the foregoing provisions of this Part of this Act apply, the employer may agree with the workman that he is liable to pay compensation without requiring the workman to obtain the certificate of the certifying surgeon mentioned in those provisions, and thereupon the workman shall be entitled to compensation as for injury by accident from the date of the agreement or from such other date as may be agreed.

Any such agreement may be recorded in the manner provided by section twenty-three of this Act, and shall be enforceable against the employer in like manner and subject to the same provisions as an agreement to pay compensation in case of an injury by accident.

(3) In such cases and subject to such conditions as the Secretary of State may direct a medical practitioner appointed by the Secretary of State for the purpose shall have the powers and duties of a certifying surgeon under the foregoing provisions of this Part of this Act, and those provisions shall be construed accordingly

(4) The Secretary of State may make rules regulating the duties and fees of certifying and other surgeons (including dentists) under the foregoing provisions of this Part of this Act

Mutual  
insurance of  
employers  
engaged in  
industries.

45 (1) Where after inquiry held on the application of any employers or workmen engaged in any industry to which the foregoing provisions of this Part of this Act apply it appears that a mutual trade insurance company or society for insuring against the risks under those provisions has been established for the industry and that a majority of the employers engaged in that industry are insured against such risks in the company or society and that the company or society consents the Secretary of State may by Provisional Order, require all employers in that industry to insure in the company or society upon such terms and under such conditions and subject to such exceptions as may be set forth in the Order

(2) Where such a company or society has been established but is confined to employers in any particular locality or of any particular class, the Secretary of State may for the purposes of this section treat the industry as carried on by employers in that locality or of that class, as a separate industry

(3) A Provisional Order made under this section shall be of no force whatever unless and until it is confirmed by Parliament and if while the Bill confirming any such Order is pending in either House of Parliament a petition is presented against the Order the Bill may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of Private Bills and any Act confirming any Provisional Order under this section may be repealed, altered or amended by a Provisional Order made and confirmed in like manner

Expenses of  
Secretary of  
State.

46 Any expenses incurred by the Secretary of State in respect of any Order, Provisional Order or confirming Bill under the foregoing provision of this Part of this Act shall be defrayed out of moneys provided by Parliament

I hereby  
desire to  
apply Act to  
all men  
suffering from  
silicosis

47 (1) The Secretary of State may by scheme provide for the payment of compensation by the employers of workmen in any specified industry or process or group of industries or processes involving exposure to silica dust—

(i) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from

the disease known as fibroid phthisis or silicosis of the lungs (in this section referred to as silicosis) or from that disease accompanied by tuberculosis, or

(b) who, though not totally disabled, are found on medical examination to be suffering from silicosis, or from silicosis accompanied by tuberculosis, to such a degree as to make it dangerous to continue work in the industry or process, and are for that reason suspended from employment

(2) The scale of compensation fixed by the scheme in the case of death or total disablement due to silicosis or silicosis accompanied by tuberculosis shall be that prescribed by this Act and in any other case shall be such as may be prescribed by the scheme

(3) Provision may be made by the scheme—

(a) for the establishment of a general compensation fund, to be administered either through a mutual trade insurance company or society of employers, or in such other manner as may be provided by the scheme,

(b) for requiring employers to subscribe to the fund, and for the recovery of such subscriptions, and for the payment and recovery out of the fund of all compensation under the scheme, and of any expenses arising under the scheme which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme;

(c) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen, with an independent chairman, and for the procedure to be adopted before such committees,

(d) for the appointment and remuneration of medical officers, medical boards and advisory medical bodies, and for their duties and powers in connection with the scheme,

(e) for requiring workmen to whom the scheme applies (i) to submit themselves to such periodical medical examination, and (ii) to furnish such information with respect to their previous employment in any industry specified in the scheme, as involving exposure to silica dust, as may be prescribed by the scheme, and for making the right of the workmen to compensation conditional on compliance with such requirements, and for the suspension from employment of workmen who are found at any time to be suffering from silicosis or tuberculosis, or silicosis accompanied by tuberculosis, or who, when first medically examined in pursuance of the scheme, are found unsuitable for work in the

industry or process by reason of their failure to satisfy such requirements with respect to physique as may be prescribed by the scheme and

(f) for the application with the necessary modifications of any of the provisions of this Act or of any enactment relating to compensation thereunder and for defining the industries or processes to which the scheme applies, and generally for such further or supplemental matters including provisions as to the determination of disputes arising between employers and the authority administering the fund, as appear necessary for giving full effect to the scheme

(4) Any scheme made under this section may be extended or varied by any subsequent scheme made in the like manner, and shall have effect as if enacted in this Act but any scheme made under this section shall be laid before each House of Parliament forthwith and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House sits next after any such scheme is laid before it praying that the scheme may be annulled His Majesty in Council may annul the scheme, and it shall thenceforward be void, but without prejudice to the validity of anything done thereunder

(5) Section one of the Rules Publication Act 1893 shall not apply to any scheme made under this section

c. 68.

### PART III

#### GENERAL.

Interpretation

48 (1) In this Act unless the context otherwise requires—

**Ship** vessel 'seaman' and 'port' have the same meanings as in the Merchant Shipping Act, 1894,

**Manager** in relation to a ship means the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner

**Police force** means a police force to which the Police Act 1890 or the Police (Scotland) Act 1890 applies and the City of London Police Force

**Outworker** means a person to whom articles or materials are given out to be made up cleaned washed altered or mended fitted or repaired or adapted for sale in his own home or on other premises not under the control or

c. 68.

c. 68.

c. 68.

c. 68.

management of the person who gave out the materials, or articles,

"United Kingdom" means Great Britain and Northern Ireland

(2) The exercise and performance of the powers and duties of a local or other public authority shall, for the purposes of this Act, be treated as the trade or business of the authority

(3) Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative, or to his dependants, or other person to whom or for whose benefit compensation is payable

<sup>7 Edw. 7, c. 51.</sup> **49.** (1) Any application to the sheriff as arbitrator shall be heard, tried, and determined summarily in the manner provided by section fifty of the Sheriff Courts (Scotland) Act, 1907, save only that parties may be represented by any person authorised in writing to appear for them and subject to the declaration that it shall be competent to either party within the time and in accordance with the conditions prescribed by act of sederunt to require the sheriff to state a case on any question of law determined by him, and his decision thereon in such case may be submitted to either division of the Court of Session, who may hear and determine the same and remit to the sheriff with instruction as to the judgment to be pronounced, and an appeal shall lie from either of such divisions to the House of Lords

(2) In this Act the expressions "county court," "judge of the county court," "registrar of the county court," "county court judgment," "plaintiff," "contract of bailment," and "rules of court," as respects Scotland, mean respectively sheriff court, sheriff, sheriff clerk, recorded decree arbitral, pursuer, contract of letting to hire, and act of sederunt.

**50.** (1) This Act shall come into operation on the first day of May, nineteen hundred and twenty-six, but shall not apply in any case where the accident happened before the first day of January, nineteen hundred and twenty-four.

(2) The enactments mentioned in the Fourth Schedule to this Act are so far as they relate to England and Wales and Scotland hereby repealed to the extent mentioned in the third column of that Schedule, but shall continue to apply to cases where the accident happened before the first day of January, nineteen hundred and twenty-four, and to which they apply at the commencement of this Act.

Provided that nothing in this repeal shall affect any scheme, order, rule, regulation, agreement or award, or other instrument certified, issued or made, or any other thing done under the enactments so repealed and in force at the commencement of this Act, but any such scheme, order,

rule, regulation agreement, or nwnrd, or other instrument, or other thing shall continue in force and have effect ns if certified, issued made or done under this Act

(3) The repeal of sub-section (2) of section sixteen of the Workmen's Compensation Act, 1906, shall not affect the application of the Workmen's Compensation Acts, 1897 and 1900, to cases to which by virtue of that sub-section they are to continue to apply

(4) This Act shall not except ns otherwise expressly provided extend to Northern Ireland

Short title.

51 This Act may be cited ns the Workmen's Compensation Act, 1925

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## SCHEDULES

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### FIRST SCHEDULE

#### ARBITRATION ETC

1 For the purpose of settling any matter which under this Act is to be settled by arbitration if any committee representative of an employer and his workmen exists with power to settle matters under this Act in the case of the employer and workmen the matter shall, unless either party objects by notice in writing sent to the other party before the committee meet to consider the matter, be settled by the arbitration of such committee or be referred by them in their discretion to arbitration as hereinafter provided

2 If either party so objects or there is no such committee or the committee so refer the matter or fails to settle the matter within six months from the date of the claim the matter shall be settled by a single arbitrator agreed on by the parties or in the absence of agreement by the judge of the county court according to the procedure prescribed by rules of court

3 In England the matter instead of being settled by the judge of the county court may if the Lord Chancellor so authorises be settled according to the like procedure by a single arbitrator appointed by that judge and the arbitrator so appointed shall, for the purposes of this Act have all the powers of that judge

4 The Arbitration Act 1889 shall not apply to any arbitration under this Act but a committee or an arbitrator may if they or he think fit submit any question of law for the decision of the judge of the county court and the decision of the judge on any question of law either on such submission or in any case where he himself settles the

matter under this Act, or where he gives any decision or makes any order under this Act, shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal, and the judge of the county court, or the arbitrator appointed by him, shall, for the purpose of proceedings under this Act, have the same powers of procuring the attendance of witnesses and the production of documents as if the proceedings were an action in the county court

5. A judge of county courts may in any case, if he thinks fit, and shall, if any party in accordance with rules of court so requires and gives security for the payment of the prescribed fee, summon a medical referee to sit with him as assessor.

If a medical referee is so summoned on the application of any party, that party shall, subject to any directions as to costs, be liable to pay in respect of the attendance of the medical referee such fee as may be prescribed by the Secretary of State.

6. Rules of Court may make provision—

- (a) for the appearance in any arbitration under this Act of any party by some other person, and
- (b) for conferring on the judge or registrar of a county court in proceedings under this Act the like powers of making orders for the examination of witnesses and persons, and for discovery, interrogatories, inspection of documents, and further particulars, and of granting a new trial, as are exercisable as respects actions in county courts

7 (1) The costs of and incidental to the arbitration and proceedings connected therewith shall be in the discretion of the committee, arbitrator, or judge of the county court, subject as respects such judge and an arbitrator appointed by him to rules of court

(2) The costs, whether before a committee or an arbitrator or in the county court, shall not exceed the limit prescribed by rules of court, and shall be taxed in manner prescribed by those rules and such taxation may be reviewed by the judge of the county court

8 In the case of the death, or refusal or inability to act, of an arbitrator, the judge of the county court may, on the application of any party, appoint a new arbitrator

9 Where a reference is made to a medical referee under section sixteen or section nineteen of this Act, or where on an application for the registration of a memorandum of agreement a report of a medical referee is required under this Act to be obtained, there shall, subject to any directions as to costs and to the provisions hereinafter contained, be payable by the applicant for the reference or for the registration

of the memorandum such fee in respect of the remuneration and expenses of the medical referee as the Secretary of State may prescribe, and provision may be made by rules of court for the payment of such fees through the registrar of the county court.

All such references shall be made and reports obtained in accordance with regulations of the Secretary of State.

10 Any sum awarded as compensation shall, unless paid into court under this Act, be paid on the receipt of the person to whom it is payable under any agreement, or award, and the solicitor or agent of a person claiming compensation under this Act shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Act or to claim a lien in respect of such costs on, or deduct such costs from the sum awarded or agreed as compensation, except such sum as may be awarded by the committee, the arbitrator, or the judge of the county court, on an application made either by the person claiming compensation or by his solicitor or agent, to determine the amount of costs to be paid to the solicitor or agent, such sum to be awarded subject to taxation and to the scale of costs prescribed by rules of court.

11 Any committee arbitrator or judge may subject to regulations made by the Secretary of State and the Treasury, submit to a medical referee for report any matter which seems material to any question arising in the arbitration.

12 No court fee shall be payable by a workman in respect of any proceedings in a court under this Act.

13 Paragraphs 3, 4, 6 (b) and 8 of this Schedule shall not apply to Scotland, and in its application to Scotland this Schedule shall have effect as if for paragraph 12 the following paragraph were substituted —

No court fee shall be payable by any party in respect of any proceedings by or against a workman under this Act in the court prior to the award or for recording a memorandum of agreement under this Act.

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## SECOND SCHEDULE

### PROVISIONS AS TO PAYMENTS INTO COURT AND INVESTMENT

1 Any sum paid into a court under this Act shall, subject to rules of court and the provisions of this schedule be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the registrar of the court shall be a sufficient discharge in respect of the amount paid in.

2 In the event of the death of any person entitled as a dependant to money paid into a county court under this Act, then, if no direction has been given as to the disposition thereof for the benefit of other dependants in the event of the death of the person entitled thereto, the court may, without probate or letters of administration, distribute the sum amongst such persons as appear to the court, upon such evidence as the court may deem satisfactory, to be entitled by law to receive the same or if the dependant so dying is illegitimate and dies intestate amongst the persons who in the opinion of the court would have been entitled thereto if the dependant had been legitimate, and, if there are no such persons, the court shall deal with the sum as the Treasury may direct

Provided that, where the principal value of the estate of the dependant so dying exceeds one hundred pounds, any sum paid under this paragraph without probate or letters of administration shall be liable to estate duty as part of the amount on which that duty is charged, and the county court shall, before making any such payment, require a statutory declaration by the claimant, or by one of the claimants, that the principal value of the estate, including the sum in question, does not, after deduction of debts and funeral expenses, exceed the value of one hundred pounds, or the production of a letter or certificate from the Commissioners of Inland Revenue stating either that all duties payable in respect of the sum in question have been paid, or that no duty thereon is payable

This paragraph does not apply to Scotland

3 Rules of court may provide for the transfer of money paid into court under this Act from one court to another, whether or not the court from which it is to be transferred is in the same part of Great Britain as the court to which it is to be transferred, and for the transfer to a county court in Northern Ireland of money paid into court under this Act, and to a county court in Great Britain of money paid into court in Northern Ireland under any enactment for the time being in force in Northern Ireland relating to the compensation of workmen for injuries suffered in the course of their employment

4 Any sum which under this schedule is ordered to be invested may be invested in whole or in part in the Post Office Savings Bank by the registrar of the county court in his name as registrar

5 Any sum to be so invested may be invested in the purchase of an annuity from the National Debt Commissioners through the Post Office Savings Bank, or be accepted by the Postmaster General as a deposit in the name of the registrar as such, and the provisions of any statute or regulations respecting the limits of deposits in savings banks,

and the declaration to be made by a depositor, shall not apply to such sums.

6 No part of any money invested in the name of the registrar of any county court in the Post Office Savings Bank under this Act shall be paid out except upon authority addressed to the Postmaster General by the Treasury or subject to regulations of the Treasury, by the judge or registrar of the county court.

7 Any person deriving any benefit from any moneys invested in a post office savings bank under the provisions of this Act may nevertheless open an account in a post office savings bank or in any other savings bank in his own name without being liable to any penalties imposed by any statute or regulations in respect of the opening of accounts in two savings banks, or of two accounts in the same savings bank.

Sections 43  
44.

### THIRD SCHEDULE

Description of Disease	Description of Process.
Anthrax	Handling of wool, hair, bristles, hides, and skins.
Lead poisoning or its sequela	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequela	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequela	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequela	Any process involving the use of arsenic or its preparations or compounds.
Asphyxiomatosis	Mining

Where regulations or special rules made under any Act of Parliament for the protection of persons employed in any industry against the risk of contracting lead poisoning require some or all of the persons employed in certain processes specified in the regulations or special rules to be periodically examined by a certifying or other surgeon, then in the application of this schedule to that industry the expression 'process' shall unless the Secretary of State otherwise directs include only the processes so specified.

FOURTH SCHEDULE

Section 50

ENACTMENTS REPEALED

Section and Chapter	Short Title	Extent of Repeal
6 Edw 7 c 58	The Workmen's Compensation Act, 1906	The whole Act
9 Edw 7 c. 16	The Workmen's Compensation (Anglo-French Convention) Act, 1909	The whole Act
1 & 2 Geo 5 c 50	The Coal Mines Act, 1911	Section one hundred and ten
8 & 9 Geo 5 c 8	The Workmen's Compensation (Illegal Employment) Act, 1918	The whole Act
8 & 9 Geo 5 c 14	The Workmen's Compensation (Silicosis) Act, 1918	The whole Act
9 & 10 Geo 5 c 73	The County Courts Act, 1919	Sections twenty-five and twenty-six
13 & 14 Geo 5 c 42	The Workmen's Compensation Act, 1923	The whole Act, except sections one, six, twenty-eight, twenty-nine, thirty and thirty-one
14 & 15 Geo 5 c 17	The County Courts Act, 1924	Section six
14 & 15 Geo. 5 c 40	The Workmen's Compensation (Silicosis) Act, 1924	The whole Act



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